



# Ancient Monuments and Archaeological Areas Act 1979

## CHAPTER 46

### ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

#### PART I

##### ANCIENT MONUMENTS

###### *Protection of scheduled monuments*

- 1 Schedule of monuments.
  - 1A Commission's functions as to informing and publishing.
  - 1AA Duty to consult on certain amendments relating to the Schedule
  - 1AB Interim protection pending decisions on certain amendments relating to the Schedule
  - 1AC Provisions applicable on lapse of interim protection
  - 1AD Compensation for loss or damage caused by interim protection
  - 1AE Review of decisions on certain amendments relating to the Schedule
  - 1B Publication of the Schedule
  - 1C Appeal against inclusion etc. in Schedule of monuments
  - 1D Determination of appeals under section 1C
  - 1E Procedure for appeals under section 1C
- 2 Control of works affecting scheduled monuments.
- 3 Grant of scheduled monument consent by order of the Secretary of State.
  - 3A Application for variation or discharge of conditions
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- 4 Duration, modification and revocation of scheduled monument consent.

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- 4A Modification and revocation of scheduled monument consent by Scottish Ministers
- 4B Appeal in relation to scheduled monument consent
- 4C Determination of appeals under section 4B
- 4D Procedure for appeals under section 4B
- 5 Execution of works for preservation of a scheduled monument by Secretary of State in cases of urgency.
- 6 Powers of entry for inspection of scheduled monuments, etc.
- 6A Commission's powers of entry in relation to scheduled monuments.
- 7 Compensation for refusal of scheduled monument consent.
- 8 Recovery of compensation under section 7 on subsequent grant of consent.
- 9 Compensation where works affecting a scheduled monument cease to be authorised.

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- 9ZC Scheduled monument enforcement notice
- 9ZD Scheduled monument enforcement notice: supplementary provision
- 9ZE Scheduled monument enforcement notice: appeal
- 9ZF Scheduled monument enforcement notice: power of entry
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- 9ZH Effect of scheduled monument consent on notice

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- 9ZI Temporary stop notice
- 9ZJ Temporary stop notice: power of entry
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*Scheduled monuments: injunctions*

- 9ZM Injunctions

*Scheduled monument enforcement notices*

- 9A Power to issue scheduled monument enforcement notice
- 9B Scheduled monument enforcement notices: further provisions
- 9C Appeal against scheduled monument enforcement notice
- 9CA Determination of appeals under section 9C
- 9CB Procedure for appeals under section 9C
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- 9FA Enforcement by the Scottish Ministers
- 9G Stop notices

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- 9H Stop notices: supplementary provisions
- 9HA Power of the Scottish Ministers to serve stop notice
- 9I Compensation for loss due to stop notice
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- 9K Temporary stop notices
- 9L Temporary stop notices: restrictions
- 9M Temporary stop notices: offences
- 9N Temporary stop notices: compensation

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- 9O Interdicts restraining unauthorised works on scheduled monuments

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- 10 Compulsory acquisition of ancient monuments.
- 11 Acquisition by agreement or gift of ancient monuments.

*Guardianship of ancient monuments*

- 12 Power to place ancient monument under guardianship.
- 13 Effect of guardianship.
- 14 Termination of guardianship.

*Acquisition and guardianship of land in the vicinity of an ancient monument, etc.*

- 15 Acquisition and guardianship of land in the vicinity of an ancient monument.
- 16 Acquisition of easements and other similar rights over land in the vicinity of an ancient monument.

*Agreements concerning ancient monuments, etc.*

- 17 Agreements concerning ancient monuments and land in their vicinity.

*Powers of limited owners*

- 18 Powers of limited owners for purposes of sections 12, 16 and 17.

*Public access to monuments under public control*

- 19 Public access to monuments under public control.
- 20 Provision of facilities for the public in connection with ancient monuments.

*Transfer of ownership and guardianship of ancient monuments*

- 21 Transfer of ancient monuments between local authorities and Secretary of State.

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- 22 Ancient Monuments Boards.
- 23 Annual reports of Ancient Monuments Boards.

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### *Local inquiries*

- 23A Local inquiries
- 23B Local inquiries: further provision

### *Miscellaneous and supplemental*

- 24 Expenditure by Secretary of State or local authority on acquisition and preservation of ancient monuments, etc.
- 25 Advice and superintendence by Secretary of State.
- 26 Power of entry on land believed to contain an ancient monument.
- 27 General provisions as to compensation for depreciation under Part I.
- 28 Offence of damaging certain ancient monuments.
- 29 Compensation orders for damage to monuments under guardianship in England and Wales.
- 30 Disposal of land acquired under Part I.
- 31 Voluntary contributions towards expenditure under Part I.
- 32 Interpretation of Part I.

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### INVENTORIES OF GARDENS AND DESIGNED LANDSCAPES AND OF BATTLEFIELDS

- 32A Inventory of gardens and designed landscapes
- 32B Inventory of battlefields

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- 33 Designation of areas of archaeological importance.
- 34 Investigating authorities for areas of archaeological importance.
- 35 Notice required of operations in areas of archaeological importance.
- 36 Certificate to accompany operations notice under section 35.
- 37 Exemptions from offence under section 35.
- 38 Powers of investigating authority to enter and excavate site of operations covered by an operations notice.
- 39 Power of investigating authority to investigate in advance of operations notice any site which may be acquired compulsorily.
- 40 Other powers of entry on site of operations covered by an operations notice.
- 41 Interpretation of Part II.

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#### *Register of historic parks and gardens in Wales*

- 41A Register of historic parks and gardens in Wales

#### *Restrictions on use of metal detectors*

- 42 Restrictions on use of metal detectors.

#### *Powers of entry*

- 43 Power of entry for survey and valuation.

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- 44 Supplementary provisions with respect to powers of entry.

*Financial provisions*

- 45 Expenditure on archaeological investigation.  
45A Development and understanding of matters of historic, etc. interest:  
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46 Compensation for damage caused by exercise of certain powers under  
this Act.  
47 General provisions with respect to claims for compensation under this  
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48 Recovery of grants for expenditure in conservation areas and on historic  
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49 Grants to the Architectural Heritage Fund.

*Application to special cases*

- 50 Application to Crown land.  
51 Ecclesiastical Property.  
52 Application to the Isles of Scilly.  
52A The Broads.  
53 Monuments in territorial waters.

*Supplemental*

- 54 Treatment and preservation of finds.  
55 Proceedings for questioning validity of certain orders, etc.  
56 Service of documents.  
57 Power to require information as to interests in land.  
58 Offences by corporations.  
59 Prosecution of offences: Scotland.  
60 Regulations and orders.  
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63 Supplemental  
64 Transitional provisions, consequential amendments and repeals.  
65 Short title, commencement and extent.

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SCHEDULES

SCHEDULE A1 — LAPSE OF INTERIM PROTECTION

- 1 This Schedule applies where interim protection ceases to have effect...  
2 The fact that the interim protection has ceased to have...  
3 Any proceedings on or arising out of an application for...  
4 (1) Any scheduled monument enforcement notice served by the Welsh...  
5 Any temporary stop notice served by the Welsh Ministers with...  
6 Any proceedings on an application made by the Welsh Ministers...

SCHEDULE A2 — DECISIONS ON REVIEWS BY PERSON APPOINTED BY  
WELSH MINISTERS

*Decisions on reviews by appointed persons*

- 1 (1) The Welsh Ministers may by regulations prescribe the classes...

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*Powers and duties of appointed person*

- 2 (1) An appointed person has the same powers and duties...

*Appointment of another person to make a decision on a review*

- 3 (1) At any time before an appointed person has made...

*Public local inquiries, hearings and written representations*

- 4 (1) An appointed person may appoint an assessor to provide...

*Directions*

- 5 (1) The Welsh Ministers may direct that anything that would...

*Delegation*

- 6 (1) An appointed person may delegate to another person anything...

*Supplementary provision*

- 7 Where an appointed person is a member of the staff...

SCHEDULE 1 — Control of Works Affecting Scheduled Monuments

Part I — APPLICATIONS FOR SCHEDULED MONUMENT CONSENT

- 1 (1) Provision may be made by regulations under this Act...
- 2 (1) The Secretary of State may refuse to entertain an...
- 2A As soon as practicable after receiving an application for scheduled...
- 2B (1) The Welsh Ministers may refuse to entertain an application...
- 2C (1) If Historic Environment Scotland, on an application to it...
- 2D The Scottish Ministers may give directions to Historic Environment Scotland...
- 3 (1) The Secretary of State or Historic Environment Scotland may...
- 3A (1) This paragraph applies to applications for scheduled monument consent...
- 4 (1) Subsections (2) to (5) of section 250 of the...

Part II — MODIFICATION AND REVOCATION OF SCHEDULED MONUMENT CONSENT

- 5 (1) Before giving a direction under section 4 of this...
- 6 (1) If no objection to a proposed modification or revocation...
- 7 As soon as may be after giving a direction under...
- 8 (1) Where in accordance with sub-paragraph (3) of paragraph 5...
- 9 (1) Subject to sub-paragraph (2) below, subsections (2) to (5)...
- 10 (1) Except as provided for in paragraph 11, an order...
- 11 (1) Where sub-paragraph (2) applies, Historic Environment Scotland—

SCHEDULE 1A — DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY THE SCOTTISH MINISTERS

*Determination of appeals by appointed person*

- 1 (1) The Scottish Ministers may by regulations prescribe classes of...

*Powers and duties of appointed person*

- 2 (1) An appointed person is to have the same powers...

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*Determination of appeals by the Scottish Ministers*

- 3 (1) The Scottish Ministers may, if they think fit, direct...  
4 (1) The Scottish Ministers may by a further direction revoke...

*Appointment of another person to determine appeal*

- 5 (1) At any time before the appointed person has determined...

*Local inquiries and hearings*

- 6 (1) Whether or not the parties to an appeal have...

*Supplementary provisions*

- 7 The functions of determining an appeal and doing anything in...

SCHEDULE 2 — Designation Orders

*Designation orders by the Secretary of State*

- 1 (1) A designation order made by the Secretary of State...  
2 Before making a designation order the Secretary of State shall—...  
3 (1) The consultations required by sub-paragraphs (a)(aa) of paragraph  
2...  
4 Copies of the draft order and of the map to...  
5 Copies of the draft order and of the map to...  
6 The Secretary of State may make the order, either without...  
7 On making the order, the Secretary of State shall—

*Designation orders by a local authority*

- 8 (1) A designation order made by a local authority shall...  
9 Before making a designation order a local authority shall—  
9A Before making a designation order a local authority shall notify...  
10 (1) The consultation required by sub-paragraph (a) of paragraph 9...  
11 Copies of the draft order and of the map to...  
12 The local authority may make the order, either without modifications...  
13 A designation order made by a local authority shall not...  
14 If the Secretary of State confirms the order the local...  
15 The Secretary of State may by regulations prescribe the procedure...

*Designation orders by the Commission*

- 15A Paragraphs 8, 9, 10 to 13, 14( a ) and...

*Operation of designation orders*

- 16 (1) A designation order made by the Secretary of State...

*Variation and revocation of designation orders*

- 17 (1) An order varying or revoking a designation order shall...  
18 Before and on making an order varying or revoking a...

*Scotland*

- 19 In relation to a designation order relating to an area...

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### *Interpretation*

20 (1) In this Schedule “the area affected” means, in relation...

#### SCHEDULE 3 — Transitional Provisions

- 1 (1) Where an interim preservation notice is in force with...
- 2 (1) Subject to sub-paragraph (2) below, where a guardianship order...
- 3 (1) Where within the period of three months immediately preceding...
- 4 (1) Subject to the following provisions of this paragraph, where...
- 5 (1) Subject to sub-paragraph (2) below, where—
- 6 (1) Section 13(2) of this Act shall not apply to...
- 7 Notwithstanding the repeal by this Act of the Field Monuments...
- 8 Any reference in any document (including an enactment) to an...
- 9 Nothing in the preceding provisions of this Schedule shall be...
- 10 In this Schedule— “interim preservation notice” means a notice served...

#### SCHEDULE 4 — Consequential amendments

- 1 Consequential amendments
- 2 In section 47(d) of the Coast Protection Act 1949 (saving...
- 3 (1) In sections 5(2)(b) and 8(1)(c) of the Historic Buildings...
- 4 Consequential amendments
- 5 In section 6(4)(b) of the Land Powers (Defence) Act 1958...
- 6 In section 17(2) of the Building (Scotland) Act 1959 (requirements...
- 7 In section 3(3)(a) of the Flood Prevention (Scotland) Act 1961...
- 8 In section 2(5) of the Faculty Jurisdiction Measure 1964 (limit...
- 9 In section 7(8) of the Mines (Working Facilities and Support)...
- 10 Consequential amendments
- 11 Consequential amendments
- 12 Consequential amendments
- 13 In section 131(2) of the Local Government Act 1972 (general...
- 14 In section 182(1) of the Local Government (Scotland) Act 1973...
- 15 Consequential amendments
- 16 In section 111 of the Land Drainage Act 1976 (protection...

#### SCHEDULE 5 — Enactments Repealed



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**Changes and effects yet to be applied to :**

- s. 9ZA cross-heading omitted by 2023 asc 3 Sch. 13 para. 28
- s. 9ZC cross-heading omitted by 2023 asc 3 Sch. 13 para. 29
- s. 9ZI cross-heading omitted by 2023 asc 3 Sch. 13 para. 30
- s. 9ZM and cross-heading omitted by 2023 asc 3 Sch. 13 para. 31
- s. 41A and cross-heading omitted by 2023 asc 3 Sch. 13 para. 38
- s. 1(3) words substituted by 2023 asc 3 Sch. 13 para. 20(a)
- s. 1(5A) omitted by 2023 asc 3 Sch. 13 para. 20(c)
- s. 1(6A) substituted by 2023 asc 3 Sch. 13 para. 20(d)
- s. 1(6B) omitted by 2023 asc 3 Sch. 13 para. 20(e)
- s. 1(6C) omitted by 2023 asc 3 Sch. 13 para. 20(e)
- s. 1(9) words omitted by 2023 asc 3 Sch. 13 para. 20(f)
- s. 2(3A) omitted by 2023 asc 3 Sch. 13 para. 22(a)
- s. 2(3B) omitted by 2023 asc 3 Sch. 13 para. 22(a)
- s. 2(5)(a) words omitted by 2023 asc 3 Sch. 13 para. 22(b)(i)
- s. 2(5)(b) omitted by 2023 asc 3 Sch. 13 para. 22(b)(ii)
- s. 2(5A) omitted by 2023 asc 3 Sch. 13 para. 22(c)
- s. 2(5B) omitted by 2023 asc 3 Sch. 13 para. 22(c)
- s. 2(6A) omitted by 2023 asc 3 Sch. 13 para. 22(d)
- s. 2(8) words omitted by 2023 asc 3 Sch. 13 para. 22(e)
- s. 2(8A) omitted by 2023 asc 3 Sch. 13 para. 22(f)
- s. 4(3) words omitted by 2023 asc 3 Sch. 13 para. 23
- s. 6(5) omitted by 2023 asc 3 Sch. 13 para. 24
- s. 7(1) words omitted by 2023 asc 3 Sch. 13 para. 25
- s. 7(4) words inserted by 2016 anaw 4 s. 10(1)
- s. 8(2A)(c) omitted by 2023 asc 3 Sch. 13 para. 26(a)
- s. 8(6) words omitted by 2023 asc 3 Sch. 13 para. 26(b)
- s. 9(1) words omitted by 2023 asc 3 Sch. 13 para. 27
- s. 9ZA omitted by 2023 asc 3 Sch. 13 para. 28
- s. 9ZB omitted by 2023 asc 3 Sch. 13 para. 28
- s. 9ZC-9ZH omitted by 2023 asc 3 Sch. 13 para. 29
- s. 9ZI-9ZL omitted by 2023 asc 3 Sch. 13 para. 30
- s. 18(5) words substituted by 2024 asp 2 Sch. 1 para. 13(a)
- s. 18(5) words substituted by 2024 asp 2 Sch. 1 para. 13(b)
- s. 26(4) omitted by 2023 asc 3 Sch. 13 para. 32
- s. 27(2) words substituted by 2023 asc 3 Sch. 13 para. 33
- s. 28(1) words omitted by 2023 asc 3 Sch. 13 para. 34(a)
- s. 28(1A) omitted by 2023 asc 3 Sch. 13 para. 34(b)
- s. 33(5) words omitted by 2023 asc 3 Sch. 13 para. 35(b)
- s. 35(5)(aa) omitted by 2023 asc 3 Sch. 13 para. 36
- s. 38(3)(b) words omitted by 2023 asc 3 Sch. 13 para. 37(a)
- s. 38(9)(b) words omitted by 2023 asc 3 Sch. 13 para. 37(b)
- s. 42(1) words omitted by 2023 asc 3 Sch. 13 para. 39(a)
- s. 42(3) words omitted by 2023 asc 3 Sch. 13 para. 39(b)
- s. 42(4) words omitted by 2023 asc 3 Sch. 13 para. 39(c)
- s. 42(5)(a) words omitted by 2023 asc 3 Sch. 13 para. 39(d)
- s. 42(7) words omitted by 2023 asc 3 Sch. 13 para. 39(e)
- s. 42(8) omitted by 2023 asc 3 Sch. 13 para. 39(f)
- s. 44(2) words omitted by 2023 asc 3 Sch. 13 para. 40
- s. 45(1) omitted by 2023 asc 3 Sch. 13 para. 41(a)

- s. 45(3) words omitted by 2023 asc 3 Sch. 13 para. 41(b)
- s. 46(3) words omitted by 2023 asc 3 Sch. 13 para. 42
- s. 50(3A) omitted by 2023 asc 3 Sch. 13 para. 43
- s. 51(3) words omitted by 2023 asc 3 Sch. 13 para. 44
- s. 53(2) word substituted by 2023 asc 3 Sch. 13 para. 45(a)
- s. 53(2A) omitted by 2023 asc 3 Sch. 13 para. 45(b)
- s. 53(2B) omitted by 2023 asc 3 Sch. 13 para. 45(b)
- s. 55(3A) omitted by 2023 asc 3 Sch. 13 para. 46
- s. 56(1)(ca) omitted by 2023 asc 3 Sch. 13 para. 47(a)
- s. 56(1A) omitted by 2023 asc 3 Sch. 13 para. 47(b)
- s. 56(3) omitted by 2023 asc 3 Sch. 13 para. 47(c)
- s. 60(1A) omitted by 2023 asc 3 Sch. 13 para. 48(a)
- s. 60(3) omitted by 2023 asc 3 Sch. 13 para. 48(b)
- s. 60(4) omitted by 2023 asc 3 Sch. 13 para. 48(b)
- s. 60(5) omitted by 2023 asc 3 Sch. 13 para. 48(b)
- s. 61(1) words omitted by 2023 asc 3 Sch. 13 para. 49(a)(i)
- s. 61(1) words omitted by 2023 asc 3 Sch. 13 para. 49(a)(ii)
- s. 61(1) words omitted by 2023 asc 3 Sch. 13 para. 49(a)(iii)
- s. 61(1) words omitted by 2023 asc 3 Sch. 13 para. 49(a)(iv)
- s. 61(2B) omitted by 2023 asc 3 Sch. 13 para. 49(b)
- s. 61(6) words omitted by 2023 asc 3 Sch. 13 para. 49(c)
- s. 61(7)(d) and word omitted by 2023 asc 3 Sch. 13 para. 49(d)
- s. 61(7A) omitted by 2023 asc 3 Sch. 13 para. 49(e)
- s. 61(12)(b) words inserted by 2023 asc 3 Sch. 13 para. 49(f)
- Sch. A1 omitted by 2023 asc 3 Sch. 13 para. 50
- Sch. A2 omitted by 2023 asc 3 Sch. 13 para. 50
- Sch. 1 para. 1(3) omitted by 2023 asc 3 Sch. 13 para. 51(a)
- Sch. 1 para. 2B omitted by 2023 asc 3 Sch. 13 para. 51(c)
- Sch. 1 para. 3(5) omitted by 2023 asc 3 Sch. 13 para. 51(d)
- Sch. 1 para. 3A omitted by 2023 asc 3 Sch. 13 para. 51(e)
- Sch. 1 para. 2(4) words omitted by 2023 asc 3 Sch. 13 para. 51(b)
- Sch. 1 para. 4(1) words omitted by 2023 asc 3 Sch. 13 para. 51(f)
- Sch. 1 para. 5(1A) words omitted by 2023 asc 3 Sch. 13 para. 51(g)

**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)