



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART I

ANCIENT MONUMENTS

Miscellaneous and supplemental

26 Power of entry on land believed to contain an ancient monument.

- (1) A person duly authorised in writing by [^{F1}the Secretary of State][^{F1}Historic Environment Scotland] may at any reasonable time enter any land in, on or under which [^{F1}the Secretary of State][^{F1}Historic Environment Scotland] knows or has reason to believe there is an ancient monument for the purpose of inspecting the land (including any building or other structure on the land) with a view to recording any matters of archaeological or historical interest.
- (2) Subject to subsection (3) below, a person entering any land in exercise of the power conferred by subsection (1) above may carry out excavations in the land for the purpose of archaeological investigation.
- (3) [^{F2}Subject to subsection (4) below,] no excavation shall be made in exercise of the power conferred by subsection (2) above except with the consent of every person whose consent to the making of the excavation would be required apart from this section.

[^{F3}(4) Subsection (3) does not apply where—

- (a) land is, or is to be, excavated in exercise of the power conferred by subsection (2); and
- (b) [^{F4}the Scottish Ministers know or have][^{F4}Historic Environment Scotland knows or has] reason to believe that any ancient monument [^{F5}they know or believe][^{F5}it knows or believes] to be in, on or under that land is or may be at risk of imminent damage or destruction.]

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, Section 26 is up to date with all changes known to be in force on or before 28 May 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

[^{F6}(4) But subsection (3) does not apply in relation to excavations in the land by a person authorised by the Welsh Ministers under subsection (1) if the Welsh Ministers know or have reason to believe that an ancient monument they know or believe to be in, on or under the land is or may be at risk of imminent damage or destruction.]

Textual Amendments

- F1** Words in s. 26(1) substituted (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. 43(a)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F2** Words in s. 26(3) inserted (S.) (1.12.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 10(a)**, 33(2); S.S.I. 2011/372, art. 2, Sch.
- F3** S. 26(4) added (S.) (1.12.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 10(b)**, 33(2); S.S.I. 2011/372, art. 2, Sch.
- F4** Words in s. 26(4)(b) substituted (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. 43(b)(i)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F5** Words in s. 26(4)(b) substituted (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. 43(b)(ii)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F6** S. 26(4) inserted (E.W.) (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 19**, 41(2)

Modifications etc. (not altering text)

- C1** S. 26 restricted (18.12.1996) by [1996 c. 61](#), s. 12, **Sch. 7 para. 4(3)**
- C2** S. 26 restricted (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), **Sch. 9 para. 4(3)**
- C3** S. 26 restricted (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 19 para. 1(3)**
- C4** S. 26 restricted (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 19 para. 1(3)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 26(4) omitted by [2023 asc 3 Sch. 13 para. 32](#)

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\(a\)](#)