
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 569

**The Transport and Works (Scotland) Act 2007
(Consents under Enactments) Regulations 2007**

Modification of procedures for scheduled monument consent

6.—(1) This regulation shall apply where scheduled monument consent is required for the purposes of proposals included in a section 4 application and either—

- (a) the application for scheduled monument consent has been made not later than 10 weeks after the section 4 application has been made; or
- (b) the Scottish Ministers direct that this regulation apply.

(2) Where this regulation applies, paragraph 2 of Schedule 1 to the 1979 Act (applications for scheduled monument consent) shall have effect with the following modifications—

- (a) after sub paragraph (1)(a) insert—
 - “(aa) a certificate stating that—
 - (i) notice of the concurrent application has been given in accordance with rules made under section 4 of the Transport and Works (Scotland) Act 2007 to all of the persons (other than the applicant) who were, at the beginning of the period of 28 days ending with 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.”;
- (b) in sub paragraph (1)(c), for the word “either”, substitute “any”; and
- (c) after sub paragraph (4) insert—

“(5) In this paragraph “concurrent application” means an application made under section 4 of the Transport and Works (Scotland) Act 2007 (applications) relating to proposals for the purposes of which the granting of scheduled monument consent is required in respect of the monument.”.

(3) Where this regulation applies, the Ancient Monuments and Archaeological Areas (Applications for Scheduled Monument Consent) (Scotland) Regulations 1981⁽¹⁾ shall have effect with the following modifications—

- (a) in regulation 2 (application for scheduled monument consent), after paragraph (2), insert—
 - “(3) 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 (if known) the date and the reference number of the concurrent application.
 - (4) In this regulation, “concurrent application” has the meaning given by paragraph 2(5) of Schedule 1 to the Act.”;
- (b) for regulation 4 (meaning of “owner”) substitute—

“4. For the purposes of paragraph 2 of Schedule 1 to the Act the persons who are to be treated as owners of the monument to which an application relates are persons who, in respect of any part of the monument, are under the Lands Clauses Acts enabled to sell and convey the land to the promoters of an undertaking and includes a lessee under a lease the unexpired period of which exceeds three years.”; and

(c) in Part I of Schedule 2, after CERTIFICATE A, insert–

“OR

CERTIFICATE AA

(To be used where concurrent application being made under section 4 of the Transport and Works (Scotland) Act 2007)

I hereby certify that–

(1) [I have] [the applicant has] served, in accordance with rules made under section 4 of the Transport and Works (Scotland) Act 2007, 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 that section, 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.

Signed

[on behalf of]

Date”.