



# Ancient Monuments and Archaeological Areas Act 1979

## 1979 CHAPTER 46

### PART I

#### ANCIENT MONUMENTS

##### *Miscellaneous and supplemental*

#### **24 Expenditure by Secretary of State or local authority on acquisition and preservation of ancient monuments, etc.**

- (1) [<sup>F1</sup>Subject to subsection (3A) below] The Secretary of State may defray or contribute towards the cost of the acquisition by any person of any ancient monument.
- (2) [<sup>F1</sup>Subject to subsection (3A) below] The Secretary of State may undertake, or assist in, or defray or contribute towards the cost of the removal of any ancient monument or of any part of any such monument to another place for the purpose of preserving it, and may at the request of the owner undertake, or assist in, or defray or contribute towards the cost of the preservation, maintenance and management of any ancient monument.
- (3) [<sup>F1</sup>Subject to subsection (3A) below] The Secretary of State may contribute towards the cost of the provision of facilities or services for the public by a local authority under section 20 of this Act.

[<sup>F2</sup>(3A) As respects a monument situated in England, subsections (1) to (3) above shall apply as if “Commission” were substituted for “Secretary of State”.

[ The reference in subsection (3A) above to a monument situated in England includes  
<sup>F3</sup>(3AA) any monument situated in, on or under the seabed within the seaward limits of the United Kingdom territorial waters adjacent to England; and an order under section 33(10) of the National Heritage Act 1983 (orders determining limits of waters adjacent to England) applies for the purposes of this subsection as it applies for the purposes of section 33(9) of that Act.]

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- (3B) References to an ancient monument in subsections (1) and (2) above, as amended by subsection (3A) above, shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]
- (4) Any local authority may at the request of the owner undertake, or assist in, or defray or contribute towards the cost of the preservation, maintenance and management of any ancient monument situated in or in the vicinity of their area.
- (5) No expenses shall be incurred by the Secretary of State [<sup>F4</sup>or the Commission] or any local authority under this section in connection with any monument which is occupied as a dwelling house by any person other than a person employed as the caretaker thereof or his family.

#### Textual Amendments

- F1** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 48\(2\)](#)
- F2** [S. 24\(3A\)\(3B\)](#) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 48\(3\)](#)
- F3** [S. 24\(3AA\)](#) inserted (1.7.2002) by [National Heritage Act 2002 \(c. 14\)](#), ss. {2(3)}, 8(2)
- F4** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 48\(4\)](#)

## 25 Advice and superintendence by Secretary of State.

- (1) [<sup>F5</sup>Subject to subsection (3A) below] The Secretary of State may give advice with reference to the treatment of any ancient monument.
- (2) [<sup>F5</sup>Subject to subsection (3A) below] The Secretary of State may also, if in his opinion it is advisable, superintend any work in connection with any ancient monument if invited to do so by the owner, and shall superintend any such work, whether required to do so by the owner or not, in connection with any scheduled monument, if in his opinion it is advisable.
- (3) [<sup>F5</sup>Subject to subsection (3A) below] The Secretary of State may make a charge for giving advice and superintendence under this section or may give it free of charge, as he thinks fit.
- [<sup>F6</sup>(3A) As respects a monument situated in England, subsections (1) to (3) above shall apply as if “Commission” were substituted for “Secretary of State”, “their” for “his” (in each place) and “they think” for “he thinks”.
- (3B) References to an ancient monument in subsections (1) and (2) above, as amended by subsection (3A) above, shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

#### Textual Amendments

- F5** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 49\(2\)\(4\)\(5\)](#)
- F6** [S. 25\(3A\)\(3B\)](#) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 49\(3\)–\(5\)](#)

#### Modifications etc. (not altering text)

- C1** [S. 25\(2\)](#) restricted (18.12.1996) by [1996 c. 61, s. 12, Sch. 7 para. 4\(8\)\(a\)](#)
- C2** [S. 25\(3\)](#) excluded (18.12.1996) by [1996 c. 61, s. 12, Sch. 7 para. 4\(8\)\(b\)](#)

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

- (1) A person duly authorised in writing by the Secretary of State may at any reasonable time enter any land in, on or under which the Secretary of State 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) 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.

### Modifications etc. (not altering text)

C3 S. 26 restricted (18.12.1996) by 1996 c. 61, s. 12, Sch. 7 para. 4(3)

## 27 General provisions as to compensation for depreciation under Part I.

- (1) For the purpose of assessing any compensation to which this section applies, the rules set out in section 5 of the <sup>M1</sup>Land Compensation Act 1961 or, in relation to land in Scotland, the rules set out in section 12 of the <sup>M2</sup>Land Compensation (Scotland) Act 1963 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) This section applies to any compensation payable under section 7 or 9 of this Act in respect of any loss or damage consisting of depreciation of the value of an interest in land.
- (3) Where an interest in land is subject to a mortgage—
  - (a) any compensation to which this section applies, which is payable in respect of depreciation of the value of that interest, shall be assessed as if the interest were not subject to the mortgage;
  - (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
  - (c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
  - (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee, or, if there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

### Marginal Citations

M1 1961 c. 33.

M2 1963 c. 51.

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## 28 Offence of damaging certain ancient monuments.

- (1) A person who without lawful excuse destroys or damages any protected monument—
- (a) knowing that it is a protected monument; and
  - (b) intending to destroy or damage the monument or being reckless as to whether the monument would be destroyed or damaged;
- shall be guilty of an offence.

- (2) This section applies to anything done by or under the authority of the owner of the monument, other than an act for the execution of excepted works, as it applies to anything done by any other person.

In this subsection “excepted works” means works for which scheduled monument consent has been given under this Act (including any consent granted by order under section 3).

- (3) In this section “protected monument” means any scheduled monument and any monument under the ownership or guardianship of the Secretary of State [<sup>F7</sup>or the Commission] or a local authority by virtue of this Act.

- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

### Textual Amendments

**F7** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 50](#)

### Modifications etc. (not altering text)

**C4** S. 28 excluded (18.12.1996) by [1996 c. 61, s. 12, Sch. 7 para. 4\(9\)](#)

## 29 Compensation orders for damage to monuments under guardianship in England and Wales.

Where the owner or any other person is convicted of an offence involving damage to a monument situated in England and Wales which was at the time of the offence under the guardianship of the Secretary of State [<sup>F8</sup>or the Commission] or any local authority by virtue of this Act, any compensation order made under [<sup>F9</sup>section 130 of the Powers of Criminal Courts (Sentencing) Act 2000] (compensation orders against convicted persons) in respect of that damage shall be made in favour of the Secretary of State or [<sup>F10</sup>the Commission or the local authority in question (as the case may require)].

### Textual Amendments

**F8** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 51](#)

**F9** Words in s. 29 substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\), Sch. 9 para. 59](#) (with ss. 58, 62, 75)

**F10** Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 51](#)

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### 30 Disposal of land acquired under Part I.

(1) Subject to the following provisions of this section, the Secretary of State [<sup>F11</sup>or the Commission] or any local authority may dispose of any land acquired by them under section 10, 11 or 21 of this Act.

[<sup>F12</sup>(1A) The Secretary of State shall consult with the Commission before disposing of any land situated in England under this section.

(1B) The Commission shall consult with the Secretary of State before disposing of any land under this section.]

(2) A local authority shall consult with the Secretary of State before disposing of any land under this section.

(3) Subject to subsection (4) below, where the land in question is or includes a monument, the Secretary of State or [<sup>F13</sup>the Commission or the local authority (as the case may be)] may only dispose of it on such terms as will in their opinion ensure the preservation of the monument.

(4) Subsection (3) above does not apply in any case where the Secretary of State or [<sup>F13</sup>the Commission or the local authority (as the case may be)] are satisfied that it is no longer practicable to preserve the monument (whether because of the cost of preserving it or otherwise).

#### Textual Amendments

**F11** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 52\(2\)](#)

**F12** [S. 30\(1A\)\(1B\)](#) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 52\(3\)](#)

**F13** Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 52\(4\)](#)

### 31 Voluntary contributions towards expenditure under Part I.

The Secretary of State or any local authority may receive voluntary contributions for or towards the cost of any expenditure incurred by them under this Part of this Act (whether in relation to any particular monument or land or otherwise).

### 32 Interpretation of Part I.

(1) In this Part of this Act “maintenance” and “maintain” have the meanings given by section 13(7) of this Act, and expressions to which a meaning is given for the purposes of [<sup>F14</sup>the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990] or (as regards Scotland) for the purposes of [<sup>F15</sup>the Town and Country Planning (Scotland) Act 1997 or the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] have the same meaning as in [<sup>F14</sup>the said Acts of 1990] or (as the case may require) as in [<sup>F15</sup>the said Acts of 1997].

(2) References in this Part of this Act to a monument, in relation to the acquisition or transfer of any monument (whether under a power conferred by this Part of this Act or otherwise), include references to any interest in or right over the monument.

(3) For the purposes of this Part of this Act the Secretary of State [<sup>F16</sup>or the Commission] or a local authority are the owners of a monument by virtue of this Act if the Secretary

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of State or <sup>F17</sup>the Commission or the local authority (as the case be)] have acquired it under section 10, 11 or 21 of this Act.

#### Textual Amendments

- F14** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 43(1)**
- F15** Words in [s. 32\(1\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6](#), **Sch. 2 para. 29(1)(a)**.
- F16** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 53**
- F17** Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 53**

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