



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART I

ANCIENT MONUMENTS

Public access to monuments under public control

19 Public access to monuments under public control.

- (1) Subject to^[F1]sections 13(2A) and 15(3A) of this Act and to] the following provisions of this section, the public shall have access to any monument under the ownership or guardianship of the Secretary of State [^{F2}or the Commission] or any local authority by virtue of this Act.
- (2) The Secretary of State [^{F3}and the Commission] and any local authority may nevertheless control the times of normal public access to any monument under their ownership or guardianship by virtue of this Act and may also, if they consider it necessary or expedient to do so in the interests of safety or for the maintenance or preservation of the monument, entirely exclude the public from access to any such monument or to any part of it, for such period as they think fit:

Provided that—

- (a) the power of a local authority under this subsection to control the times of normal public access to any monument shall only be exercisable by regulations under this section; and
 - (b) the power of a local authority under this subsection entirely to exclude the public from access to any monument with a view to its preservation shall only be exercisable with the consent of the Secretary of State.
- (3) The Secretary of State and any local authority may by regulations under [^{F4}this subsection] regulate public access to any monument, or to all or any of the monuments, under their ownership or guardianship by virtue of this Act and any such regulations

Status: Point in time view as at 30/06/2011.

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, Cross Heading: Public access to monuments under public control is up to date with all changes known to be in force on or before 14 June 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)

made by the Secretary of State may also apply to any monument, or to all or any of the monuments, under his control or management for any other reason.

[^{F5}The Secretary of State shall consult with the Commission before he makes any regulations under this subsection in relation only to monuments situated in England.]

- (4) Without prejudice to the generality of subsection (3) above, regulations made by the Secretary of State or a local authority under [^{F6}that subsection] may prescribe the times when the public are to have access to monuments to which the regulations apply and may make such provision as appears to the Secretary of State or to the local authority in question to be necessary for—

- (a) the preservation of any such monument and its amenities or of any property of the Secretary of State or local authority; and
- (b) prohibiting or regulating any act or thing which would tend to injure or disfigure any such monument or its amenities or to disturb the public in their enjoyment of it;

and may prescribe charges for the admission of the public to any such monument or to any class or description of monuments to which the regulations apply.

[^{F7}(4A) The Secretary of State may by regulations under this section make such provision as appears to him necessary for prohibiting or regulating any act or thing which would tend to injure or disfigure any monument under the ownership or guardianship of the Commission by virtue of this Act or the monument's amenities or to disturb the public in their enjoyment of it.

- (4B) The Secretary of State shall consult with the Commission before he makes any regulations under subsection (4A) above.]

- (5) Without prejudice to subsections (3) and (4) above, the Secretary of State [^{F8}and the Commission] and any local authority shall have power to make such charges as they may from time to time determine for the admission of the public to any monument under their ownership or guardianship by virtue of this Act or (in the case of the Secretary of State) to any monument otherwise under his control or management.

- (6) Notwithstanding subsection (1) above, any person authorised in that behalf by the Secretary of State [^{F9}or by the Commission] or by a local authority may refuse admission—

- (a) to any monument under the ownership or guardianship of the Secretary of State or [^{F10}the Commission or that local authority (as the case may be)] by virtue of this Act; or
- (b) (in the case of the Secretary of State) to any monument otherwise under his control or management;

to any person he has reasonable cause to believe is likely to do anything which would tend to injure or disfigure the monument or its amenities or to disturb the public in their enjoyment of it.

- (7) If any person contravenes or fails to comply with any provision of any regulations under this section, he shall be liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [^{F11}level 2 on the standard scale].

- (8) Regulations made by a local authority under this section shall not take effect unless they are submitted to and confirmed by the Secretary of State, and the Secretary of State may confirm any such regulations either with or without modifications.

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- (9) In relation to any monument under guardianship, subsection (1) above is subject to any provision to the contrary in the guardianship deed.

Textual Amendments

- F1** Words in s. 19(1) inserted (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), [ss. 7\(4\)](#), [33\(2\)](#); [S.S.I. 2011/174](#), art. 2, Sch.
- F2** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(2\)](#)
- F3** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(3\)](#)
- F4** Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(4\)](#)
- F5** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(4\)](#)
- F6** Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(5\)](#)
- F7** S. 19(4A)(4B) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(6\)](#)
- F8** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(7\)](#)
- F9** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(8\)](#)
- F10** Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 45\(8\)](#)
- F11** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48\)](#), [s. 46](#) and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), [s. 54](#))

Modifications etc. (not altering text)

- C1** S. 19 excluded (18.12.1996) by [1996 c. 61](#), s. 12, [Sch. 7 para. 4\(5\)](#)
- C2** S. 19 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [25\(2\)\(xxvii\)](#) (with art. 35)
- C3** S. 19 functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, [25\(1\)](#), [25\(1\)](#), [25\(2\)\(xxvii\)](#) (with art. 35)
- C4** S. 19 excluded (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 9 para. 4\(5\)](#)
- C5** S. 19(3)(4A) excluded (18.12.1996) by [1996 c. 61](#), s. 12, [Sch. 7 para. 4\(6\)](#)
- C6** S. 19(6) restricted (18.12.1996) by [1996 c. 61](#), s. 12, [Sch. 7 para. 4\(7\)](#)
- C7** S. 19(6) restricted (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 9 para. 4\(7\)](#)

20 Provision of facilities for the public in connection with ancient monuments.

- (1) The Secretary of State [^{F12}and the Commission] and any local authority may provide such facilities and information or other services for the public [^{F13}for or in connection with affording public access]—
- (a) [^{F14}to][^{F14}in or on] any monument under their ownership or guardianship by virtue of this Act; or
- (b) (in the case of the Secretary of State) [^{F15}to][^{F15}in or on] any monument otherwise under his control or management;
- as appear to them to be necessary or desirable.
- (2) [^{F16}In subsection (1), references to a monument include references to any land associated with the monument.
- (2A) The facilities and services which may be provided for the public under this section include—
- (a) facilities and information or other services for or in connection with affording public access to the monument, and
- (b) facilities for the sale of goods and the provision of other services.]

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- (3) The Secretary of State [^{F17}and the Commission] and any local authority shall have power to make such charges as they may from time to time determine for the use of any facility or service provided by them for the public under this section.

Textual Amendments

- F12** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 46(2)**
- F13** Words in s. 20(1) repealed (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 8(a)(i)**, 33(2); S.S.I. 2011/174, art. 2, Sch.
- F14** Words in s. 20(1)(a) substituted (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 8(a)(ii)**, 33(2); S.S.I. 2011/174, art. 2, Sch.
- F15** Words in s. 20(1)(b) substituted (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 8(a)(iii)**, 33(2); S.S.I. 2011/174, art. 2, Sch.
- F16** S. 20(2)(2A) substituted for s. 20(2) (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 8(b)**, 33(2); S.S.I. 2011/174, art. 2, Sch.
- F17** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 46(3)**

Modifications etc. (not altering text)

- C8** S. 20 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, **25(2)(xxvii)** (with art. 35)
- C9** S. 20 functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, **25(1)**, **25(1)**, 25(2)(xxvii) (with art. 35)

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