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STATUTORY INSTRUMENTS

1991 No. 2512

ANCIENT MONUMENTS

The Ancient Monuments (Claims for Compensation) (England) Regulations 1991

Made - - - -	*6th November 1991*
Laid before Parliament	*14th November 1991*
Coming into force - -	*5th December 1991*

The Secretary of State, in exercise of the powers conferred on him by sections 47, 60(1) and 61(1)(**1**) of the Ancient Monuments and Archaeological Areas Act 1979(**2**), section 36(9) of the National Heritage Act 1983(**3**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Ancient Monuments (Claims for Compensation) (England) Regulations 1991, and shall come into force on 5th December 1991.

(2) In these Regulations, "the Act" means the Ancient Monuments and Archaeologi cal Areas Act 1979.

(3) These Regulations apply only in relation to monuments or land, or to chattels on land, in England.

Claims for compensation under sections 7, 9 or 46 of the Ancient Monuments and Archaeological Areas Act 1979

2.—(1) A claim for compensation under sections 7(**4**), 9(**5**) or 46(**6**) of the Act shall be made in the form set out in Part 1 of the Schedule hereto, or in a form substantially to the like effect, and shall be delivered or sent by the recorded delivery service to the person against whom the claim is made.

(2) Subject as mentioned below, a claim for compensation under sections 7, 9 or 46 of the Act shall be made within a period of six months beginning with–

(a) in the case of a claim under section 7 of the Act, the date of the refusal, or grant subject to conditions, of scheduled monument consent;

(**1**) See the definition of "prescribed"
(**2**) 1979 c. 46.
(**3**) 1983 c. 47.
(**4**) Section 7 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 33.
(**5**) Section 9 was amended by the National Heritage Act 1983, Schedule 4, paragraph 35.
(**6**) Section 46 was amended by the National Heritage Act 1983, Schedule 4, paragraph 62.

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(b) in the case of a claim under section 9 of the Act–

(i) where subsection (2)(a) applies (scheduled monument consent granted by order under section 3 of the Act(**7**) ceasing to apply), the date when, on an application for scheduled monument consent for the works in question, consent is refused, or is granted subject to conditions other than those which previously applied under the order;

(ii) where subsection (2)(b) applies (modification or revocation of a scheduled monument consent under section 4 of the Act), the date when the direction is given under section 4(3) of the Act(**8**);

(iii) where subsection (2)(c) applies, the date when in accordance with paragraph 8 of Schedule 1 to the Act the works specified or indicated in a notice of proposed modification or revocation of scheduled monument consent under paragraph 5 of that Schedule cease to be authorised; or

(c) in the case of a claim under section 46 of the Act, the date on which the damage occurred,

but in any particular case the Secretary of State may at any time extend the said period or allow further time within which a claim may be made.

Claims for compensation under section 36(8) of the National Heritage Act 1983

3. A claim for compensation under section 36(8) of the National Heritage Act 1983 shall be made in the form set out in Part 2 of the Schedule hereto, or in a form substantially to the like effect, and shall be delivered or sent by the recorded delivery service to the Historic Buildings and Monuments Commission for England, Fortress House, 23 Savile Row, London W1X 2HE within a period of six months beginning with the date on which the damage occurred but in any particular case the Secretary of State may at any time extend the said period or allow further time within which a claim may be made.

Michael Heseltine
One of Her Majesty's Principal Secretaries of State.

6th November 1991

(**7**) Section 3 was amended by the National Heritage Act 1983, Schedule 4, paragraph 28.
(**8**) Section 4 was amended by the National Heritage Act 1983, Schedule 4, paragraph 29.

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SCHEDULE

PART 1

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

CLAIM FOR COMPENSATION UNDER SECTIONS 7, 9 OR 46 OF THE 1979 ACT

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To: Name of the person against whom the claim is made (see footnote 1):

.....

1. Person making the claim ("the claimant")
(in BLOCK LETTERS):

Full Name

Address

If claimant is a limited company or other corporate body give registered or principal office.

Telephone No.

2. Address or location of the monument or land to which the claim relates:

An accurate plan should be supplied showing any area to which the claim relates.

3. (a) State claimant's interest in the land:

(b) State name and address of any other person known or believed to have an interest in the land and specify that interest:

4. Where the claim is under section 7 (compensation for refusal of scheduled monument consent)–

(a) give details of the date and the reference number (if known) of the refusal, or grant subject to conditions, of scheduled monument consent in relation to the works mentioned at (b) below:

(b) (i) give a brief description of the works for which compensation is claimed (see footnote 2):

(ii) in the case of works to which section 7(2)(a) applies, give the following details in connection with the planning permission – the name of the authority by which it was granted; the date; the reference number (if known); and a brief description of the development for which planning permission was granted:

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(c) the expenditure
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6. Where the claim is
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PART 2

NATIONAL HERITAGE ACT 1983

CLAIM FOR COMPENSATION FROM THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND FOR DAMAGE CAUSED TO LAND OR CHATTELS UNDER SECTION 36(8) OF THE 1983 ACT

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To: The Historic Buildings and Monuments Commission for England

1. Person making the claim ("the claimant")
(in BLOCK LETTERS)

Full Name

Address

If claimant is a limited company or other corporate body give registered or principal office.

Telephone No.

2. Address or location of land entered by a person authorised by the Commission (see footnote 1):

An accurate plan should be supplied showing any area to which the claim relates.

3. Damage–

(a) identify on the plan any land (including any building on it) which has been damaged and give particulars of that damage:

(b) specify any chattels on the land which have been damaged and give particulars of that damage:

(c) state the claimant's interest in the damaged land or chattels:

(d) state the name and address of any other person believed to have an interest in the damaged land or chattels and (if known) specify that interest:

(e) give brief
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(f) give parti

4. I/We hereby

Signature of c

Date

**If this claim for*

Name of agen

Address of ag

Telephone No

IMPORTANT:
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Footnotes

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2. Under section
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EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 7, 9, and 46 of the Ancient Monuments and Archaeological Areas Act 1979 make provision for the payment of compensation where scheduled monument consent is refused or granted subject to conditions, where works affecting a scheduled monument cease to be authorised, and where damage has been caused to land or chattels by the exercise of powers of entry and certain other powers under the 1979 Act. Section 36(8) of the National Heritage Act 1983 makes provision for compensation from the Historic Buildings and Monuments Commission for England in respect of any damage to land or chattels caused in the exercise of a power of entry by a person authorised by the Commission for the purpose of obtaining information for inclusion in the Commission's records.

These Regulations, which apply to England, prescribe the forms for claiming compensation and provide for the time within which a claim is to be made.

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