STATUTORY INSTRUMENTS

1981 No. 1467 (S. 147)

ANCIENT MONUMENTS

The Ancient Monuments and Archaeological Areas (Applications for Scheduled Monument Consent) (Scotland) Regulations 1981

Made - - - -	*7th October* 1981
Laid before Parliament	*26th October* 1981
Coming into Operation	*30th November* 1981

In exercise of the powers conferred on me by section 2 of and paragraphs 1(1), 2(1), (2), and (3) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979(a) and of all other powers enabling me in that behalf I hereby make the following regulations:—

Citation and commencement and interpretation

1.—(1) These regulations may be cited as the Ancient Monuments and Archaeological Areas (Applications for Scheduled Monument Consent) (Scotland) Regulations 1981 and shall come into operation on 30th November, 1981.

(2) In these regulations, " the Act " means the Ancient Monuments and Archaeological Areas Act 1979.

(3) These regulations apply only to Scotland.

Application for scheduled monument consent

2.—(1) An application to the Secretary of State for scheduled monument consent shall be made in writing and in the form set out in Schedule 1 hereto and shall be accompanied by a plan sufficient to identify the monument to which it relates, together with such other plans and drawings as are necessary to describe the works which are the subject of the application.

(2) The Secretary of State may by a direction in writing to the applicant require him to produce such further information in addition to that given in the application as may be necessary to verify any information provided in the application.

Certificates and notices

3.—(1) The Secretary of State may refuse to entertain an application for scheduled monument consent unless it is accompanied by one or other of the certificates set out in Part I of Schedule 2 to these regulations signed by or on behalf of the applicant.

(2) The requisite notice of application for the purposes of paragraph 2(1) of Schedule 1 to the Act shall be in the form set out in Part II of Schedule 2 to these regulations.

(a) 1979 c. 46.

Meaning of " owner "

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, any persons who are entitled to possession of the land as tenants under a lease, the unexpired period of which is not less than ten years, agricultural tenants as defined in the Agricultural Holdings (Scotland) Act 1949(**a**) or crofters as defined in the Crofters (Scotland) Act 1955(**b**).

George Younger,

One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.

7th October, 1981.

(**a**) 1949 c. 75. (**b**) 1955 c. 21.

SCHEDULE 1

Regulation 2

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

The Ancient Monuments (Applications for Scheduled Monument Consent) (Scotland) Regulations 1981

APPLICATION FOR SCHEDULED MONUMENT CONSENT

IMPORTANT: Please check whether you require planning permission, or permission under any other enactments, in addition to scheduled monument consent. (Listed building consent under the Town and Country Planning (Scotland) Acts is not required where the scheduled monument is also listed as a building of special architectural or historic interest under those Acts).

PART I

1. Full name and address of applicant(s) (BLOCK LETTERS)

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.....

.....

(Telephone number) .....

2. Full name and address of applicant(s) agent, if any

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.....

.....

(Telephone number) .....

PART II

I/We hereby apply for scheduled monument consent in respect of proposed works affecting the monument specified in Part III below (which is a monument included in the schedule of monuments of national importance compiled by the Secretary of State) in accordance with the particulars given in Part III of this form and with the plans which accompany this application.

Signature of Applicant or Agent.....

Date .....

PART III

3. Legal interest of the applicant in the monument eg owner, occupier, lessee

.....

4. i. Name and address of owner of the monument (if not the applicant)

.....

.....

ii. Name and address of the occupier of the monument (if not the applicant)

.....

.....

5. Name and location of scheduled monument (attach plan and quote Ordnance Survey reference, if known)

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.....

6. Nature of proposed works. (It should be stated if they involve any demolition or destruction of the monument and/or consist solely of operations incidental to the use of the site of the monument for the purposes of agriculture or forestry). (Attach any plans or drawings necessary to describe the works)

.....

.....

7. Brief indication of purpose of proposed works

.....

8. Have the proposed works received planning permission? YES/NO. If yes, when? OR Have you applied for planning permission? YES/NO. If yes, when? OR Do you intend to apply for planning permission? YES/NO.

If the answer to any of the above questions is YES, please provide details of the area to which the planning permission relates and the authority to whom application has been or will be made.

SCHEDULE 2

Regulation 3

PART I

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

The Ancient Monuments (Applications for Scheduled Monument Consent) (Scotland Regulations 1981)

Certificate under paragraph 2 of Schedule 1 to the Act

CERTIFICATE A

(To be used by sole owner)

I hereby certify that, at the beginning of the period of twenty-one days ending with the date of the accompanying application, no person other than [myself] [the applicant]* was the owner (*a*) of the monument to which the application relates.

Signed

[on behalf of]

Date

OR

CERTIFICATE B

(To be used by joint owner)

I hereby certify that [I have] [the applicant has]* given the requisite notice to all the persons other than [myself] [the applicant]* who, at the beginning of the period of twenty-one days ending with the date of the accompanying application, were owners (*a*) of the monument to which the application relates, viz

Name of owner	Address	Date of service of notice

Signed

[on behalf of]

Date

OR

CERTIFICATE C

(To be used by joint owner who is unable to identify all other joint owners)

I hereby certify that

1. [I am] [The applicant is]* unable to issue a certificate in accordance with either sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph 2(1) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979 in respect of the accompanying application.

2. [I have] [The applicant has]* given the requisite notice to the following persons other than [myself] [the applicant]* who, at the beginning of the period of twenty-one days ending with the date of the accompanying application, were owners (*a*) of the monument to which the application relates, viz

* Delete where inappropriate.

Name of owner	Address	Date of service of notice

3. [I have] [The applicant has]* taken steps reasonably open to [me] [him]* to ascertain the names and addresses of the other owners (*a*) of the monument and [have] [has]* been unable to do so.

Signed
[on behalf of]*
Date

OR

CERTIFICATE D

(To be used by joint owner who is unable to identify any other joint owner)

I hereby certify that [I am] [the applicant is]* unable to issue a certificate in accordance with sub-paragraph (*a*) of paragraph 2(1) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979 in respect of the accompanying applicant and [have] [has]* taken the steps reasonably open to [me] [him]* to ascertain the names and addresses of all the persons other than [myself] [himself]* who, at the beginning of the period of twenty-one days ending with the date of the application, were owners (*a*) of the monument to which the application relates and [have] [has]* been unable to do so.

Signed
[on behalf of]*
Date

NOTES

(*a*) " Owner " means a person who, in respect of any part of the monument, is under the Lands Clauses Acts enabled to sell and convey the land to the promoters of an undertaking, any person who is entitled to possession of the land as tenant under a lease, the unexpired period of which is not less than ten years, an agricultural tenant as defined in the Agricultural Holdings (Scotland) Act 1949 or a crofter as defined in the Crofters (Scotland) Act 1955.

PART II

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

Notice of application for scheduled monument consent

Proposal to carry out work affecting (*a*)

TAKE NOTICE that an application is being made to the Secretary of State for Scotland by (*b*) for scheduled monument consent to (*c*)
If you wish to make representations to the Secretary of State about the application, you should make them in writing before the time when he considers his decision on the application. In order to ensure that representations are received in time, they should be lodged not later than (*d*) with the Secretary, Scottish Development Department (Ancient Monuments), New St. Andrew's House, Edinburgh, EH1 3SZ.

Signed
[on behalf of]*
Date

* Delete where inappropriate.

NOTES

(*a*) Insert name, address or location of the monument with sufficient precision to ensure its identification.

(*b*) Insert name of applicant.

(*c*) Insert description of proposed works and name, address or location of the monument.

(*d*) Insert date 28 days later than the date on which the notice is served.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

The Regulations prescribe the form in which applications for consent to do works affecting a scheduled monument (scheduled monument consent) in Scotland under section 2 of the Ancient Monuments and Archaeological Areas Act 1979 are to be made to the Secretary of State.

The Regulations also prescribe the forms of the certificate which should accompany applications for scheduled monument consent, together with the form of the related notice, and make provision as to the person who is to be treated as the owner of the monument for the purposes of such certificates and notices.

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