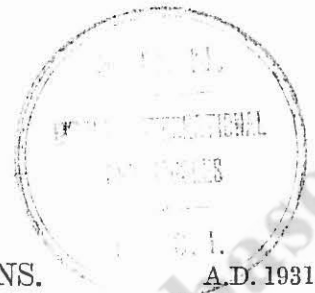


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Ancient Monuments Act, 1931.

[21 & 22 GEO. 5. CH. 16.]



ARRANGEMENT OF SECTIONS.

A.D. 1931.

Schemes for preserving Amenities of Ancient Monuments.

- Section.
1. Schemes for preserving amenities of ancient monuments.
 2. Power of Commissioners to contribute to expenses of town planning schemes.

Amendments of 3 & 4 Geo. 5. c. 32.

3. Extension of powers as respects maintenance of ancient monuments.
4. Amendments as to Preservation Orders.
5. Amendment as to voluntary contributions.
6. Amendments as to lists of ancient monuments.
7. Amendment as to regulations with respect to public access to monuments.
8. Dissolution of special incorporation of Commissioners.

Miscellaneous Provisions.

9. Power of Commissioners to enter upon lands.
10. Service of documents.
11. Registration of land charges created with respect to ancient monuments.
12. Application of Documentary Evidence Acts to documents issued by Commissioners.

Supplemental.

13. Expenses of Commissioners.
14. Exemption of instruments from stamp duty.
15. Interpretation.
16. Special provisions as to Scotland.
17. Short title, construction, repeal and extent.

FIRST SCHEDULE.—Provisions as to confirmation, variation and revocation of preservation schemes.

SECOND SCHEDULE.—Provisions as to compensation.

THIRD SCHEDULE.—Provisions of principal Act repealed.

[Price 3d. Net.]

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CHAPTER 16.

An Act to amend the Law relating to ancient monuments. A.D. 1931.
[11th June 1931.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Schemes for preserving amenities of ancient monuments.

1.—(1) For the purpose of preserving the amenities of any ancient monument, the Commissioners may, subject to the provisions of this section, prepare and confirm a scheme (hereafter in this Act referred to as "a preservation scheme") for any area comprising or adjacent to the site of the monument, being an area to which, in the opinion of the Commissioners, it is necessary or expedient for that purpose that the scheme should apply.

Schemes for preserving amenities of ancient monuments.

(2) Every preservation scheme shall define by reference to a map annexed thereto the area to which the scheme is applicable (hereafter in this Act referred to as "the controlled area") and may provide for all or any of the following matters, that is to say :—

- (a) for prohibiting or restricting the construction, erection or execution of buildings, structures and other works above ground within the controlled area, or the alteration or extension of

[CH. 16.] *Ancient Monuments* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931.

any such buildings, structures or works in such manner as materially to affect their external appearance;

- (b) for prescribing the position, height, size, design, materials, colour and screening, and otherwise regulating the external appearance, of buildings, structures and other works above ground within the controlled area;
- (c) for prohibiting or restricting the felling of trees, quarrying and excavations within the controlled area;
- (d) for otherwise restricting the user of land within the controlled area to such extent as may appear to the Commissioners to be expedient for the purpose of preserving the amenities of the monument;
- (e) for such other matters as appear to the Commissioners to be incidental to or consequential on the foregoing provisions of this section or to be necessary for giving effect to those provisions.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the confirmation, variation and revocation of preservation schemes.

(4) Nothing in any preservation scheme shall affect any building, structure or other work above ground or any alteration or extension thereof, if it was constructed, erected or executed before the date when notice of intention to confirm the scheme was published in the London Gazette under the First Schedule to this Act, and for the purpose of this provision a building, structure or other work and any alteration or extension thereof shall be deemed to have been constructed, erected or executed before that date—

- (a) if its construction, erection or execution was begun before that date; or
- (b) if and so far as its construction, erection or execution was necessary for the purpose of performing a contract made before that date.

(5) Any person whose property is injuriously affected by the coming into force of a preservation scheme shall be entitled to obtain compensation in respect thereof

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[21 & 22 GEO. 5.] *Ancient Monuments Act, 1931.*

[CH. 16.]

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from the Commissioners, subject to the provisions of the A.D. 1931. Second Schedule to this Act.

, size, design, and otherwise, of buildings, ground within

(6) If any person contravenes any provision of a preservation scheme for the time being in force, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which the contravention occurs or continues.

falling of trees, the controlled

(7) If, after any person has been convicted of a contravention of a preservation scheme by reason that any building, structure or other work is not in conformity with the scheme, the contravention continues after the expiration of such period as the court before whom he was convicted may determine, the Commissioners shall have power to do all such acts as, in their opinion, are necessary for removing so much of the building, structure or work as is not in conformity with the scheme, or for making it conform with the scheme, and any expenses incurred by the Commissioners in so doing shall be recoverable summarily as a civil debt from the person convicted.

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2.—(1) If it appears to the Commissioners that a town planning scheme approved after the commencement of this Act under the Town Planning Act, 1925, has the effect of preserving to the satisfaction of the Commissioners the amenities of an ancient monument, the Commissioners may defray, either in whole or in part, such part of the expenses incurred by any local authority in connexion with the scheme as, in the opinion of the Commissioners, is attributable to the provisions of the scheme having the effect aforesaid.

Power of Commissioners to contribute to expenses of town planning schemes. 15 & 16 Geo. 5. c. 16.

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(2) In this section the expression "local authority" means a local authority as defined by the Town Planning Act, 1925, or a county council.

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Amendments of 3 & 4 Geo. 5. c. 32.

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3.—(1) The powers conferred by section four of the principal Act upon the Commissioners and upon local authorities with respect to the maintenance of an ancient monument of which they are the guardians shall, except in so far as may be otherwise expressly provided by the deed constituting the Commissioners or the local authority guardians of the monument, include power to

Extension of powers as respects maintenance of ancient monuments.

riously affected on scheme shall respect thereof

A.D. 1931. do all such things as may be necessary for the maintenance of the monument and for the exercise of proper control and management with respect thereto by the Commissioners or authority, and in particular (without prejudice to the generality of the foregoing provision or of the provisions of the said section four) power to make any examination of the monument, and to open up the monument or make excavations therein for the purpose of examination or otherwise.

(2) The Commissioners and a local authority shall, for the purpose of exercising any of their powers under the said section four in relation to any ancient monument of which they are the guardians, have access to the monument by any person authorised by them to act on their behalf as well as by themselves, their inspectors, agents, and workmen.

(3) The Commissioners may, in connexion with an ancient monument of which they are not the owners or guardians, undertake, or assist in, or defray or contribute towards the cost of, any work, which, if they were the guardians of the monument, they would be empowered to do by section four of the principal Act and the foregoing provisions of this section :

Provided that—

(a) the Commissioners shall not exercise the powers conferred by this subsection except with the consent of every person whose consent to the work would apart from this subsection be required; and

(b) no expenses shall be incurred by the Commissioners under this subsection in connexion 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.

Amend-
ments as to
Preserva-
tion Orders.

4.—(1) Section six of the principal Act shall have effect in relation to any Preservation Order made after the commencement of this Act as if for subsection (3) thereof (which relates to the duration and confirmation of Preservation Orders) there were substituted the following subsections, that is to say :—

“(3) On the making of a Preservation Order
“ the Commissioners shall cause the Order to be
“ published in the London Gazette and a copy of

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“ the Order to be fixed on some conspicuous part
“ of the monument, and shall also cause a copy
“ of the Order, together with a notice stating
“ the effect thereof, to be served upon the owner
“ and upon the occupier of the monument. A.D. 1931.

“ (3A) If within three months after the pub-
“ lication of the Order in the London Gazette any
“ person, who appears to the Commissioners to
“ have an interest in the monument, gives notice
“ in writing to the Commissioners that he objects
“ to the Order, the Order shall, if the objection
“ is not withdrawn, cease to have effect upon
“ the expiration of a period of twenty-one months
“ from the making thereof unless it is confirmed
“ by Parliament, but in any other case the Order
“ shall, without confirmation by Parliament,
“ have effect until revoked by an Order made
“ by the Commissioners in like manner as the
“ original Order.

“ (3B) Where under the foregoing provisions
“ of this section a Preservation Order ceases to
“ have effect by reason of its not being confirmed
“ by Parliament, no further Preservation Order
“ shall be made in respect of the same monument
“ until after the expiration of five years from
“ the date on which the former Order ceased to
“ have effect.”

(2) In subsection (2) of section seven of the prin-
cipal Act the words “owing to neglect” shall be
substituted for the words “owing to the neglect of the
owner.”

5.—(1) The Commissioners shall have power under
section nine of the principal Act to receive voluntary
contributions towards the cost of the maintenance and
preservation of any ancient monument, and to enter
into any agreement with the owner of any such monu-
ment or with any other person as to the maintenance
and preservation of the monument and the cost thereof,
notwithstanding that the Commissioners are not the
owners or guardians of the monument. **Amendment
as to volun-
tary con-
tributions.**

(2) For the purpose of the said section, references
to the preservation of a monument shall be construed
as including references to the preservation of the
amenities of the monument.

[CH. 16.] *Ancient Monuments* [21 & 22 GEO. 5.]
Act, 1931.

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A.D. 1931.
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Amend-
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lists of
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monuments.

6.—(1) Before including any monument in a list published under section twelve of the principal Act after the commencement of this Act, being a monument which was not included in a list published under that section before the commencement of this Act, the Commissioners shall, instead of informing the owner as required by subsection (1) of that section, cause to be served upon the owner of the monument and upon the occupier thereof (if any) a notice in writing of their intention to include the monument in the list.

(2) No person served with a notice under the last foregoing subsection shall, unless and until the monument to which the notice relates ceases to be included in any such list as aforesaid, execute or permit to be executed, except in a case of urgent necessity, any work for the purpose of demolishing, removing or repairing any part of the monument, or of making any alterations or additions thereto, until the expiration of three months after he has given to the Commissioners notice in writing of his intention to do so, and any person acting in contravention of the provisions of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

15 & 16
Geo. 5. c. 22.

(3) Where the owner of any monument has been served with a notice under subsection (1) of this section, then (subject to the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment and as applied by this Act) every person subsequently becoming the owner of the monument shall, for the purposes of the last foregoing subsection, be deemed to have been so served.

(4) Subsection (2) of section twelve of the principal Act shall cease to have effect, and for the purposes of subsection (2) of this section the person who, at the commencement of this Act, is the owner of any monument included in any such list as aforesaid which was published before the commencement of this Act, and (subject to the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment and as applied by this Act) every person subsequently becoming the owner of the monument, shall be deemed to have

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[21 & 22 GEO. 5.] *Ancient Monuments Act, 1931.*

[CH. 16.]

been served with a notice under subsection (1) of this section. A.D. 1931.

(5) The Commissioners may at any time cause to be served upon the occupier of a monument which is included in any such list as aforesaid, whether published before or after the commencement of this Act, a notice in writing that the monument is so included, and after the service of such a notice upon any such occupier the provisions of subsection (2) of this section shall apply with respect to him as if he had been served with a notice under subsection (1) of this section.

7.—(1) The power conferred on the Commissioners and local authorities by section thirteen of the principal Act to prescribe regulations under which the public shall have access to ancient monuments of which the Commissioners or local authorities are the owners or guardians, shall include power to make such regulations as appear to the Commissioners or a local authority, as the case may be, to be necessary for the preservation of the monument or of any property of the Commissioners or local authority, or for prohibiting or regulating any act or thing tending to injury or disfigurement of the monument or the amenities thereof, and without prejudice to the generality of the foregoing provisions, regulations as to the fees to be charged for admission; and the Commissioners shall have power to prescribe such regulations with respect to any monument which is under their control or management, notwithstanding that they are not the owners or guardians thereof.

Amendment
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(2) If any person contravenes or fails to comply with any such regulations, he shall be liable on summary conviction to a fine not exceeding five pounds or to imprisonment for a term not exceeding one month, or to both, and shall also be liable to pay such sum as the court before whom he was convicted may order for the purpose of repairing any damage caused by him.

(3) Regulations made by a local authority under the said section after the commencement of this Act shall not take effect unless they are submitted to and confirmed by the Minister of Health after consultation with the Commissioners, and the Minister of Health may confirm any such regulations either with or without modification.

[CH. 16.] *Ancient Monuments* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931.
Dissolution of special incorporation of Commissioners.
37 & 38 Vict. c. 84.

8. The corporation of the Commissioners as incorporated for the purposes of the principal Act by subsection (1) of section twenty of that Act is hereby dissolved, and all property, powers, rights and duties vested in and exercised and performed by the Commissioners as a corporation incorporated under that subsection are hereby vested in and may be exercised and performed by the Commissioners as the corporation confirmed by the Works and Public Buildings Act, 1874.

Miscellaneous Provisions.

Power of Commissioners to enter upon lands.

9.—(1) Subject as hereinafter provided, any person specially authorised in writing in that behalf by the Commissioners, after giving not less than fourteen days' notice in writing to the occupier of his intention so to do and on production of his authority if so required by or on behalf of the occupier, may enter for the purposes of investigation at all reasonable times upon any land which the Commissioners have reason to believe contains an ancient monument, and may make excavations in the land for the purposes of examination:

Provided that—

- (a) no person shall, under the powers conferred by this section, enter any dwelling-house or any building, park, garden, pleasure ground or other land used for the amenity or convenience of a dwelling-house except with the consent of the occupier; and
- (b) no excavation shall be made under the said powers except with the consent of every person whose consent to the making of the excavation would, apart from this section, be required.

(2) If any person wilfully obstructs or hinders any person duly authorised by the Commissioners in the exercise of the powers conferred by this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

Service of documents.

10.—(1) Every document, required or authorised to be served under section six of the principal Act, or under this Act, upon the owner or occupier of an ancient

ents [21 & 22 GEO. 5.]

& 22 GEO. 5.] *Ancient Monuments Act, 1931.*

[CH. 16.]

Commissioners as the principal Act by of that Act is hereby ers, rights and duties formed by the Com- rporated under that may be exercised and as the corporation Buildings Act, 1874.

ument, may be served either by delivering it or A.D. 1931. iving it at the usual or last-known place of abode the person on whom it is to be served, or by send- it by post as a registered letter addressed to him his last-known place of abode or, if that cannot be and, by fixing it on some conspicuous part of the onument.

(2) Any such document may, as the case requires, be dressed to the "owner" or "occupier" of the monu- ent (describing it) without further name or description.

11. As from the commencement of this Act, the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment, shall apply to the following instruments as if they were local land charges, that is to say:—

Registration of land charges created with respect to ancient monuments.

- (a) any deed or order, whether executed or made before or after the commencement of this Act, constituting the Commissioners or a local authority guardians of an ancient monument; and
- (b) any preservation scheme or notice of intention to confirm such a scheme; and
- (c) any Preservation Order, whether made before or after the commencement of this Act; and
- (d) any notice served on the owner of a monument, being a notice of intention to include the monument in a list published after the commencement of this Act under section twelve of the principal Act, and any entry in a list published before the commencement of this Act under that section, recording the inclusion of a monument in that list;

and every such instrument shall be registered accordingly by the proper officer of the council of every county borough, county district or metropolitan borough comprising any part of the land affected by the instrument and, in a case where any part of that land is comprised in the City of London, by the proper officer of the Common Council:

Provided that nothing in the foregoing provisions of this section shall operate so as to impose any obligation to register any such instrument executed, made or served before the commencement of this Act

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[CH. 16.] *Ancient Monuments* [21 & 22 GEO. 5.]
Act, 1931.

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A.D. 1931. — until the expiration of three years from the commencement of this Act, or so as to discharge a purchaser from liability in respect of any such instrument which is not for the time being required to be registered.

Application of Documentary Evidence Acts to documents issued by Commissioners.
31 & 32 Vict. c. 37.
45 & 46 Vict. c. 9.

12. The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Commissioners as if they were mentioned in the first column of the Schedule to the first-mentioned Act, and as if any of the Commissioners or the Secretary to the Commissioners, or any person authorised to act on behalf of the Secretary, were specified in the second column of that Schedule in connexion with the Commissioners, and as if the regulations referred to in those Acts included any document issued by the Commissioners under the principal Act or this Act.

Supplemental.

Expenses of Commissioners.

13. All expenses incurred by the Commissioners under this Act shall be defrayed out of moneys provided by Parliament.

Exemption of instruments from stamp duty.
Interpretation.

14. No stamp duty shall be chargeable on any instrument made by, to, or with the Commissioners for the purposes of the principal Act or this Act.

15.—(1) The definitions contained in section twenty-two of the principal Act of the expressions "monument" and "ancient monument" shall cease to have effect, and for the purposes of the principal Act and this Act—

(a) the expression "monument" shall include any building, structure, or other work, whether above or below the surface of the land, other than an ecclesiastical building for the time being used for ecclesiastical purposes, and any cave or excavation;

(b) the expression "ancient monument" shall include—

(i) any monument specified in the Schedule to the Ancient Monuments Protection Act, 1882; and

(ii) any monument for the time being specified in a list published under section twelve of the principal Act; and

45 & 46 Vict. c. 73.

[21 & 22 GEO. 5.]

[21 & 22 GEO. 5.] *Ancient Monuments Act, 1931.*

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character, or of which the preservation is, in
the opinion of the Commissioners, a matter
of public interest by reason of the historic,
architectural, traditional, artistic or archæo-
logical interest attaching thereto: A.D. 1931.

and, for the purposes of Parts I. and II. and sections nine
and ten of the principal Act (which relate respectively to
the acquisition of ancient monuments by agreement, to
the guardianship of ancient monuments, to the power to
receive voluntary contributions for maintenance of ancient
monuments and to the transfer of ancient monuments
under guardianship), the expression "ancient monument"
shall include any land comprising or adjacent to an ancient
monument as hereinbefore defined which, in the opinion
of the Commissioners or the local authority, as the case
may be, is reasonably required for the purpose of
maintaining the monument or the amenities thereof,
or for providing or facilitating access thereto, or for
the exercise of proper control or management with
respect thereto.

(2) The provisions of subsection (3) of section four
of the principal Act relating to the matters which
are included in the expressions "maintenance" and
"maintain" shall apply for all the purposes of that Act
and of this Act.

(3) For the purposes of this Act and of section six
and subsection (3) of section fourteen of the principal
Act, the expression "owner" in relation to a monument
shall mean any person (other than a mortgagee not in
possession) entitled (either with or without the consent
of any other person) to dispose of the fee simple of the
site of the monument.

(4) In this Act the expression "the Commissioners"
means the Commissioners of Works, and the expression
"the principal Act" means the Ancient Monuments
Consolidation and Amendment Act, 1913.

3 & 4 Geo. 5
c. 32.

16.—(1) For the purpose of the application of this
Act to Scotland, the Secretary of State shall be sub-
stituted for the Minister of Health; the Town Planning
(Scotland) Act, 1925, shall be substituted for the Town

Special pro-
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Geo. 5. c. 17.

[CH. 16.] *Ancient Monuments* [21 & 22 GEO. 5.]
Act, 1931.

[21 & 22]

A.D. 1931. Planning Act, 1925; the Edinburgh Gazette shall be substituted for the London Gazette.

(2) For the purposes of this Act and of section six and subsection (3) of section fourteen of the principal Act the expression "owner" in relation to a monument situate in Scotland, shall include institute or heir of entail in possession.

(3) For the purposes of the principal Act the expression "freehold or copyhold land," in relation to land in Scotland, means land held in fee simple. (*franc-alleu*)

19 & 20
Geo. 5. c. 25.

(4) In the application to Scotland of section two of this Act the expression "local authority" means a local authority for the purposes of the Town Planning (Scotland) Act, 1925, as amended by the Local Government (Scotland) Act, 1929.

(5) Section eleven of this Act shall not apply in relation to an ancient monument situated in Scotland or to a preservation scheme for an area in Scotland, but it shall be competent to register in the appropriate register of sasines any of the following instruments relating to any such monument which is heritable or to any such area, that is to say—

(a) any deed or order whether executed or made before or after the commencement of this Act constituting the Commissioners or a local authority the guardians of the monument; or

(b) any preservation scheme or notice of intention to confirm such a scheme; or

(c) any Preservation Order, whether made before or after the commencement of this Act; or

(d) a certificate by the Commissioners

(i) of the inclusion of the monument in a list published before the commencement of this Act under section twelve of the principal Act; or

(ii) of the service on the owner of the monument of a notice of intention to include the monument in such a list published after the commencement of this Act; or

(e) any deed or order revoking or cancelling any such instrument as aforesaid, or a copy of such

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[21 & 22 GEO. 5.] *Ancient Monuments Act, 1931.*

[CH. 16.]

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(6) Any such instrument as is mentioned in the preceding subsection shall, whether registered in pursuance of the said subsection or not, be binding on any subsequent owner of the monument or of land in the area to which a preservation scheme applies, and the provisions of the principal Act and of this Act shall apply to such subsequent owner in like manner in all respects as if he had been the owner at the time when the instrument was executed or made.

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(7) In the application to Scotland of section six of this Act, any reference to the provisions of the Land Charges Act, 1925, shall not apply.

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(8) Subsection (1) of section twenty-three of the principal Act (which requires duplicates of reports made to the Commissioners to be forwarded to the Board of Trustees for National Galleries in Scotland) shall cease to have effect, and subsection (2) of the said section shall have effect as if the words "Royal or Parliamentary" were omitted therefrom.

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17.—(1) This Act may be cited as the Ancient Monuments Act, 1931, and the principal Act and this Act may be cited together as the Ancient Monuments Acts, 1913 and 1931. Short title, construction, repeal and extent;

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(2) Except where the context otherwise requires, references in this Act to the principal Act shall be construed as references to that Act as amended by this Act, and this Act shall be construed as one with the principal Act.

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(3) The provisions of the principal Act specified in the Third Schedule to this Act are hereby repealed.

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(4) This Act shall not extend to Northern Ireland.

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[CH. 16.] *Ancient Monuments* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931.

SCHEDULES.

FIRST SCHEDULE.

Section 1. PROVISIONS AS TO CONFIRMATION, VARIATION AND
REVOCATION OF PRESERVATION SCHEMES.

1. Before confirming a preservation scheme (hereafter in this Schedule referred to as a "scheme"), the Commissioners shall cause to be published in the London Gazette, and in such other manner as they think best for informing persons affected, notice of their intention to confirm the scheme, of the place where copies thereof may be inspected, and of the time (which shall not be less than three months) within which and the manner in which representations with respect to the scheme may be made, and shall cause such notice as aforesaid to be given to every local authority whose area comprises any part of the controlled area.

2. Any person affected by the scheme may, within the time appointed under the last foregoing paragraph for making representations, send to the Commissioners written objection to the scheme stating the specific grounds of objection and the specific modifications required.

3. The Commissioners, after considering any representations and objections duly made with respect to a scheme, and after consulting the Minister of Health and the Minister of Transport, may by order confirm the scheme either with or without modifications:

Provided that—

(a) where an objection has been duly made to the scheme by any person appearing to the Commissioners to be affected thereby and has not been withdrawn, the Commissioners, unless they consider the objection to be frivolous or have modified the scheme as required by the objection, shall, before confirming the scheme, direct a public inquiry to be held as hereinafter provided and consider the report of the person who held the inquiry; and

(b) a scheme as so confirmed shall not apply to any area to which it would not have applied if it had been confirmed without modification.

4. Any inquiry under this Schedule shall be held in accordance with rules made by the Commissioners for the purpose, and such rules may contain provisions as to the costs of the inquiry.

5. A scheme when so confirmed shall come into force on such date as may be specified in the order confirming it.

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6. A scheme may be varied or revoked by a subsequent scheme, and the Commissioners may, after consulting the Minister of Health, by order revoke a scheme if they think in the circumstances that the scheme ought to be revoked.

A.D. 1931.

1st Sch.
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7. As soon as practicable after the making of an order under this Schedule confirming or revoking a scheme, the order shall be published in the London Gazette, and in such other manner as the Commissioners think best for informing persons affected, and a copy of the order shall be sent to every local authority whose area comprises any part of the controlled area.

8. In this Schedule the expression "local authority" means, in England, the council of a county, county borough, county district or metropolitan borough or the Common Council of the City of London or, in Scotland, any county or town council.

SECOND SCHEDULE.

PROVISIONS AS TO COMPENSATION.

Section 1.

1. No person shall be entitled to compensation in respect of a preservation scheme unless within three months from the date on which the scheme comes into force, or within such further time as the Commissioners may in special circumstances allow, he makes a claim for the purpose in such manner as the Commissioners may by regulations prescribe.

2. A person shall not be entitled to compensation by reason of the fact that any act or thing done or caused to be done by him has been rendered abortive by a preservation scheme, if or so far as the act or thing was done after the date on which the Commissioners published in the London Gazette notice of their intention to confirm the scheme, or by reason of the fact that the performance of any contract made by him after that date is prohibited by the scheme.

3. Where any provision of a preservation scheme was, immediately before the scheme came into force, already in force by virtue of this or any other Act, no compensation shall be payable by reason of any property being injuriously affected by that provision of the preservation scheme if compensation has been paid, or could have been claimed, or was not payable, by reason of that property having been injuriously affected by the provision already in force.

4. Where any provision of a preservation scheme could, immediately before the scheme came into force, have been

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Act, 1931.

A.D. 1931. validly included in a scheme, order, regulation or byelaw by virtue of any other Act, then—

2ND SCH.
—cont.

- (a) if no compensation would have been payable by reason of the inclusion of that provision in that scheme, order, regulation or byelaw, no compensation shall be payable in respect of that provision of the preservation scheme; and
- (b) if compensation would have been so payable, the compensation payable in respect of that provision of the preservation scheme shall not be greater than the compensation which would have been so payable.

5. Any dispute as to whether any property is injuriously affected by a preservation scheme, or as to the amount of the sum which is to be paid as compensation in respect of such a scheme, shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10 Geo. 5.
c. 57.

THIRD SCHEDULE.

Section 17. PROVISIONS OF PRINCIPAL ACT REPEALED.

In subsection (3) of section four the words "in this section."

In subsection (1) of section twelve, the words from "and the Commissioners" to the end of the subsection, and subsection (2) of that section.

Section nineteen.

In section twenty the words "shall be a body corporate by that name and shall have perpetual succession and a common seal, and"

Section twenty-two.

Subsection (1) of section twenty-three, and in subsection (2) of that section the words "Royal or Parliamentary."

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