



Field Monuments Act 1972

CHAPTER 43

ARRANGEMENT OF SECTIONS

Section

1. Acknowledgment payments under agreements for the protection of field monuments.
2. Effect of acknowledgment payment agreement in relation to demolition etc. of monuments.
3. Citation, construction and extent.

SCHEDULE—Acknowledgment payment agreements.

ELIZABETH II



Field Monuments
Act 1972

1972 CHAPTER 43

An Act to make provision for agreements for the protection of certain ancient monuments and consequential provision for payments under such agreements out of moneys provided by Parliament to occupiers of land which is the site of such a monument.

[27th July 1972]

BE IT ENACTED by the Queen'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:—

1.—(1) The Secretary of State may make payments to any occupier of land which is the site of a field monument, if in the opinion of the Secretary of State there is a danger that the monument will be injured in the course of agriculture or forestry, in consideration of the occupier entering into an agreement under this Act with the Secretary of State for the protection of that monument, and as an acknowledgment of the occupier undertaking the duties and liabilities for which the agreement provides.

Acknowledgment payments under agreements for the protection of field monuments.

In this Act—

“field monument” means an ancient monument which is for the time being specified in a list published under section 12 of the Ancient Monuments Consolidation and Amendment Act 1913 or in respect of which a notice has been served under section 6(1) of the Ancient Monuments Act 1931 (notice of intention to include a monument in a list under the said section 12);

“acknowledgment payment agreement” means an agreement under this Act; and

“acknowledgment payment” means a payment under an acknowledgment payment agreement.

(2) Any person who has an interest in land which is the site of a field monument may be a party to an acknowledgment payment agreement in addition to the occupier; but no person other than the occupier shall be entitled under this Act to an acknowledgment payment.

(3) Without prejudice to the generality of subsection (1) above, an acknowledgment payment agreement—

- (a) may restrict the use of the site of the monument;
- (b) may prohibit in relation to the site the doing of any such thing as may be specified in the agreement;
- (c) may provide for the carrying out of such work in relation to the site and the doing of such other things in relation to it as may be so specified;
- (d) shall provide for the making of acknowledgment payments, of such amounts and upon such terms as may be specified in the agreement, in recognition of the interference with agriculture or forestry which is expected to be caused by the carrying out of the agreement.

(4) Part I of the Schedule to this Act shall have effect to empower limited owners and trustees to enter into acknowledgment payment agreements, and Part II shall have effect as to the enforcement of acknowledgment payment agreements.

2. After section 6(2) of the Ancient Monuments Act 1931 (which makes it an offence in certain circumstances to execute any work for the purpose of demolishing, removing or repairing any part of an ancient monument or of making any alteration or addition to such a monument until the expiration of three months' notice of intention to do so) there shall be inserted the following subsection:—

“(2A) Where a notice under subsection (2) of this section relates to an ancient monument in respect of which an acknowledgment payment agreement is in force at the date on which the notice is given, and the person who gives the notice is bound by the agreement, that subsection shall have effect in relation to that person and that notice as if the reference to the expiration of three months after the giving of the notice were a reference to the end of the period for which the agreement was made or the expiration of three months after the giving of the notice, whichever shall be later.

Effect of acknowledgment payment agreement in relation to demolition etc. of monuments.
1931 c. 16.

3.—(1) This Act may be cited as the Field Monuments Act Citation, 1972, and the Ancient Monuments Acts 1913 to 1953 and this Act may be cited together as the Ancient Monuments Acts 1913 to 1972. ^{and extent.}

(2) Any reference in this Act to any enactment is a reference to it as amended by or under any other enactment.

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

Section 1.

SCHEDULE

ACKNOWLEDGMENT PAYMENT AGREEMENTS

PART I

LIMITED OWNERS AND TRUSTEES

England and Wales

1925 c. 18. 1.—(1) The tenant for life under the Settled Land Act 1925 of land in England or Wales which is settled land for the purposes of that Act may enter into an acknowledgment payment agreement relating to any of the settled land.

1925 c. 20. (2) Trustees for sale within the meaning of the Law of Property Act 1925 and personal representatives within the meaning of the Administration of Estates Act 1925 may enter into an acknowledgment payment agreement relating to any land vested in them.

Scotland

2.—(1) In the case of land in Scotland, any person being—

(a) the liferenter, or

(b) the heir of entail,

in possession of the land shall have power to enter into acknowledgment payment agreements relating to the land or any part of it.

1921 c. 58. (2) The Trusts (Scotland) Act 1921, shall have effect as if among the powers conferred on trustees by section 4 of that Act (which relates to the general powers of trustees) there were included a power to enter into acknowledgment payment agreements relating to the trust estate or any part of it.

PART II

ENFORCEMENT

England and Wales

1925 c. 22. 3. If an acknowledgment payment agreement imposes any burden which is capable of running with land and is intended so to run, the agreement shall be registered as if it were a local land charge by the proper officer of the local authority in whose area the land is situated, and the provisions of the Land Charges Act 1925, including section 15(1) of that Act (which makes an unregistered charge void in certain circumstances) shall have effect accordingly.

In this paragraph "local authority" means the council of a borough, including a county borough and a London borough.

4. It shall be the duty of the Secretary of State to give to the local authority's officer the information necessary to enable him to comply with paragraph 3 above.

SCH.

5. The Secretary of State shall, as respects the enforcement of an acknowledgment payment agreement relating to land in England or Wales against persons other than the original parties to the agreement, have the like rights as if he had at all material times been the absolute owner in possession of ascertained land adjacent to the land to which the agreement relates and capable of being benefited by the agreement, and the agreement had been expressed to be for the benefit of that adjacent land.

6. Section 84 of the Law of Property Act 1925 (which enables the Lands Tribunal to discharge or modify restrictive covenants) shall not apply to an acknowledgment payment agreement.

Scotland

7. An acknowledgment payment agreement relating to land in Scotland may be recorded in the General Register of Sasines and, if so recorded, shall be enforceable at the instance of the Secretary of State against any person having an interest in the land and against any person deriving title from him:

Provided that such an agreement shall not be so enforceable against any third party who shall have in good faith and for value acquired right (whether completed by infestment or not) to his interest in the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.

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