

STATUTORY INSTRUMENTS

1984 No. 1285

ANCIENT MONUMENTS

The Operations in Areas of Archaeological Importance (Forms of Notice Etc.) Regulations 1984

<i>Made</i>	- - - -	<i>10th August 1984</i>
<i>Laid before Parliament</i>		<i>16th August 1984</i>
<i>Coming into Operation</i>		<i>17th August 1984</i>

The Secretary of State, in exercise of the powers conferred on him by sections 35(4)(b) and (c), 35(6) and 38(3) and 60(1) of the Ancient Monuments and Archaeological Areas Act 1979(1), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement, application and interpretation

1.—(1) These regulations may be cited as the Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984 and shall come into operation on 17th August 1984.

(2) The following requirements of these regulations apply only in relation to operations in areas of archaeological importance in England and Wales.

(3) In these regulations, “the Act” means the Ancient Monuments and Archaeological Areas Act 1979.

Form of an Operations Notice

2. The form set out in Part I of Schedule 1 hereto or a form substantially similar thereto is prescribed as the form required for the purposes of section 35 of the Act (an ‘operations notice’).

Form of a Certificate

3. The form of certificate set out in Part II of Schedule 1 hereto or a form of certificate substantially similar thereto is prescribed as the form of the certificate required by section 35(4)(b) of the Act to accompany a notice under section 35.

Prescribed steps to be taken by local councils

4. A district or London borough council on whom an operations notice is served in accordance with section 35(5) shall—

(1) section 38 was amended by the National Heritage Act 1983 (c.47), section 41, Schedule 4, paragraph 57(2) and (5).

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- (a) within 7 days of receipt of the notice serve a copy of it (together with the certificate and any other documents accompanying the notice)—
 - (i) on the investigating authority appointed for the relevant area of archaeological importance; or
 - (ii) where no particular authority is so appointed, on the Historic Buildings and Monuments Commission for England as respects a site in England, or on the Secretary of State for Wales as respects a site in Wales; and
- (b) if the operations described in the notice are to be carried out after clearance of the site, advise the developer in writing within 14 days of receipt of the notice of the name and address of the relevant investigating authority and of his duty under section 35(7) of the Act to notify the investigating authority of the clearance of the site immediately on completion of the clearance operations.

Notice of Intention to Excavate

5. The form set out in Schedule 2 hereto or a form substantially similar thereto is prescribed as the form to be used to give notice pursuant to section 38(3) of the Act (notice of intention to excavate to be given by investigating authorities).

Signed by authority of the Secretary of State

10th August 1984

Bellwin
Minister of State for Local Government
Department of the Environment

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SCHEDULE 1

Regulation 2

PART I

FORM OF NOTICE TO BE GIVEN BEFORE CARRYING OUT IN AN AREA OF ARCHAEOLOGICAL IMPORTANCE, OPERATIONS WHICH DISTURB THE GROUND, FLOODING OPERATIONS, OR TIPPING OPERATIONS OPERATIONS NOTICE

OPERATIONS NOTICE

Regulation 3

PART II

FORM OF CERTIFICATE FOR THE PURPOSES OF SECTION 35 OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 Certificate accompanying an operations notice

Certificate accompanying an operations notice

SCHEDULE 2

Regulation 5

FORM OF NOTICE TO BE GIVEN BY ANY INVESTIGATING AUTHORITY OF ITS INTENTION TO EXCAVATE NOTICE OF INTENTION TO EXCAVATE

NOTICE OF INTENTION TO EXCAVATE

EXPLANATORY NOTE

These regulations, which apply only to England and Wales, prescribe for the purposes of Part II (Archaeological Areas) of the Ancient Monuments and Archaeological Areas Act 1979:—

- (1) the form of operations notice to be served before operations which disturb the ground, flooding operations, and tipping operations are carried out;
- (2) the form of certificate to accompany an operations notice;
- (3) the steps to be taken by a district council or a London borough council on whom an operations notice is served; and

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(4) the form of notice of intention to excavate to be served by an investigating authority for an area of archaeological importance.

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