

227), at which time it was a chapelry attached to Bake-well. It is well known that some of the pieces of pre-Norman stones at Bakewell must have come from some of its attached chapelries, and it is quite possible that in that church there may be fragments which really belong to Baslow.

In view of the small size of the fragment, the obscurity of the design, and above all the unsatisfactory state of present knowledge, it would be unwise to suggest a date.

### THE ANCIENT MONUMENTS ACTS.

*(An abstract of a Memorandum issued by the Council for British Archæology.)*

AS a result of the destruction of certain scheduled earthworks in the West Country which came to light recently after a long interval of time, the Executive of the Council for British Archæology has been considering ways and means of strengthening the position. It is thought likely that there are throughout the country many people who would collaborate with the Ministry of Works in this difficult task of protecting antiquities; and the Committee has therefore decided to issue this Memorandum, which summarizes the essential provisions of the Acts of 1913, 1931 and 1953 and makes one or two suggestions as to ways in which archæologists and others interested can be of assistance. The Executive is glad to acknowledge the help and advice of the Chief Inspector of Ancient Monuments in preparing this Memorandum.

Among the duties laid upon the Ministry of Works by the Ancient Monuments Acts 1913 and 1931 is that of preparing and issuing lists of ancient monuments which are subject to Section 12 and 6 respectively of those Acts.<sup>1</sup> The ancient monuments contained in those lists are those which have been recommended for inclusion by the Ancient Monuments Boards for England, Scotland and Wales (as appropriate). The Ministry must

<sup>1</sup> A list of all monuments scheduled down to 31st December, 1952, may be obtained from H.M. Stationery Office, price 5s. (post free) or through any bookseller.

include those so recommended. In cases of urgency it may add others to the schedule, as these lists are termed, without reference to the Ancient Monuments Board. No building for the time being used for ecclesiastical purposes or as a residence by more than a caretaker may be included in the schedule.<sup>2</sup>

Before the inclusion of any ancient monument in a published schedule a notice is served on the owner thereof, acquainting him of the proposed inclusion. The owner has not the right of appeal against inclusion. A notice is also served on the tenant, and the fact of scheduling is a charge on the land in question in the appropriate part of the Land Register, which is kept by the Clerk of the local authority in whose area the land lies. Change of ownership or tenant does not alter the fact that the ancient monument is scheduled under the Act, and all wise persons nowadays who intend purchasing property take the precaution of searching the Land Register in case there is any charge upon that which they intend to buy. Not all persons are wise, and some will be found who deny all knowledge of the fact that they own a scheduled ancient monument; but ignorance of the law is no defence.

The owner of a scheduled ancient monument or any other person legally entitled to do work to it is under the obligation of giving to the Ministry three months' notice of his intention to alter it in any way. If he does alter it without giving such notice or within the three months but without the Ministry's permission, he renders himself liable to prosecution. The maximum penalty is £100 fine or 3 months imprisonment or both. A threat of prosecution has been known to have a useful effect.

Upon receipt of the statutory three months' notice the Ministry has to decide upon its course of action. If it cannot dissuade the owner from his purpose and the case seems to merit it, the Ministry may ask the advice of the appropriate Ancient Monuments Board. If the Board

<sup>2</sup> Buildings of architectural or historic interest, whether in use or not but not already scheduled as ancient monuments are listed by the Ministry of Housing and Local Government in three categories with a view to the guidance of Planning Authorities in the performance of their duties under the Town and Country Planning Acts. Owners and occupiers of those properties appearing in the first two categories are obliged to notify the local Planning Authority of any proposal to demolish or alter their character.

so recommends, or if, in cases of urgency the Minister deems it advisable without reference to the Board, he may issue an Interim Preservation Notice. The effect of this is that no alterations or additions of any kind may be made to the monument without the Minister's consent within a period of 21 months after the serving of the notice. Compensation may be paid to any interested person who may be injuriously affected by the Notice. An Interim Preservation Notice may be followed by a Preservation Order which has the same effect as the former, but remains in force for as long as the Minister directs. Objections lodged against Preservation Orders may involve public local enquiries or special parliamentary procedure. Compensation is payable in appropriate cases.

On the other hand it may seem to the Ministry that in all the circumstances preservation of the ancient monument for all time would be unreasonable, e.g. unduly repressive. It may then arrange for an adequate record to be made before the ancient monument or a part of it is destroyed. In the case of an earth-work or the like this means scientific excavation, in order to preserve the information therein instead of the actual site. Such an excavation is normally carried out by the Ministry. Where the monument is a building or a ruin the case can sometimes be met by the provision of an adequate survey (drawn or photographic) and a description for publication.

The Ancient Monuments Acts like other laws may be infringed through ignorance or alleged ignorance; and although, as already stated, ignorance is no defence, damage once done to an Ancient Monument is normally irreparable. Furthermore, it is a fact that for a prosecution under the Ancient Monuments Acts to be valid it is necessary for proceedings to be begun within twelve months of the committing of the offence. It follows that the greatest need of the Ministry in connection with this part of its duties in the sphere of preservation of ancient monuments is speedy information. It needs news of damage or expected damage to scheduled (and unscheduled) ancient monuments as quickly as possible.

For this and for other purposes the Ministry has a system of correspondents. Normally in England there is a Chief Correspondent in each county, who is asked to help by obtaining information by any means available and passing it on to the Chief Inspector of Ancient Monuments (Ministry of Works, Lambeth Bridge House, S.E.1).

The work of the correspondents is entirely voluntary and is much appreciated by all concerned. But with the varied threats in modern conditions that may assail ancient monuments a small body of already heavily pressed officers cannot hope to cover the whole field; and much must therefore depend on the creation of an efficient system of liaison between the Ministry on the one hand and local archæologists on the other.

The Executive Committee believes that the C.B.A. can materially assist the Ministry in this important branch of its work. The obvious requirement is that local archæologists who are in a position to learn quickly about developments in their areas should report at once any threat to an antiquity, whether scheduled or not. At best the result of such action might be to prevent or arrest damage; at worst it might be possible to take action against those responsible and thus provide a salutary warning to others.

The Executive therefore hopes that Constituent Societies and the Group organizations will draw the attention of their members to the weapons which they have at hand for the protection of antiquities and see that an effective contact is maintained, both with the Ministry and with the central office of the C.B.A. itself, so that the Executive may provide backing if it is considered desirable. Information may be sent either directly or through the Local Correspondent to the Ministry. It must be emphasized once again that prompt action is essential if any result is to be achieved, and that while this Memorandum is the outcome of damage to scheduled sites, reports on sites at present unscheduled are also sought.