

What are scheduled monuments

Scheduled monuments are heritage assets which are considered important enough to the community to merit legal protection, so that they may be preserved for future generations. They can include structures, fortifications, monuments, sites, submerged heritage, caves and geological features.

What does 'scheduled monument' status mean?

The legal protection covers the whole monument or property - the interior and exterior, fixtures and fittings and any object or structure within its 'curtilage' (land - its external area, courtyard, garden and/or outbuildings).

How do I find out if a place or structure is scheduled?

Protected sites and monuments are listed in the Heritage and Antiquities Act 2018, Schedule 2. The Act may be found at <https://www.gibraltarlaws.gov.gi/legislations/heritage-and-antiquities-act-2018-4356> and there is more information on the Ministry for Heritage's web site at <https://www.ministryforheritage.gi/>.

The Deeds or lease agreements for a property may say whether the monument, building or site is scheduled.

Can I make changes to a scheduled monument or site?

The monument or property may not be demolished, extended or altered without special permission - 'scheduled monument consent' - from the Minister for Heritage. The consent is usually called a 'heritage licence'.

Replacement of features (such as wall, doors or windows) and large-scale repairs or changes (structural repairs, re-pointing or cleaning, roof replacement etc) require consent. Painting and changes to surface finishes will also require consent.

Excavations or works which disturb the ground or penetrate the historic fabric of the monument (for example, works for utilities), or any flooding or tipping operations will require consent.

Internal refurbishment or alterations require consent if they include the removal of historic fabric such as doors, walls, tiles or plaster.

However, regular maintenance and minor 'like-for-like' repairs will not usually require consent, as long as the repairs do not include removal of historical material or change the monument or site's character.

Before starting any works of repair, or alteration to a scheduled monument please make sure that your builder/contractor is aware that the monument is scheduled. They should also be given a copy of the plans, any consent or licence conditions, any specifications and any other conditions that may apply.

Any archaeological works required may only be carried out by a person who has the required professional qualifications, training and experience, and who is considered competent by the Minister to carry out the proposed operations.

Seek advice from the Government Archaeologist. You may also need planning permission and/or Building Control Approval, so ask for advice from the Town Planning and Building Control Department.

Can I do emergency work to my scheduled monument or site?

Technically all works need consent. However, emergency works to afford temporary support or shelter may be permissible, and the Minister has the power to grant urgent consent for such emergency works. It is advisable to contact the Government Archaeologist as soon as possible.

What are the penalties for unauthorised works or damage to a scheduled monument or site?

Any unauthorised change, or intentional or reckless damage (including demolition, defacing, graffiti, deposition of rubbish etc) is a criminal offence and is subject to a fine and/or imprisonment.

It is also an offence to breach any conditions that are attached to a scheduled monument consent.

What happens if an owner fails to look after their scheduled monument or site?

Failure to look after a scheduled monument would be counted as intentional or reckless damage and therefore an offence, and subject to a fine and/or imprisonment.

The Minister has the power to direct that urgent preservation works should be carried out on scheduled monuments which are at risk and the costs would be recoverable from the owner.

Are grants available to help with the costs of repairing my scheduled monument?

At the moment there are no grants available; the cost of repairs is borne by owner or occupier. However, scheduled monuments that are also buildings may be eligible for tax relief for any works for the improvement to their facades. Further information is available on the Town Planning website <https://www.gibraltar.gov.gi/town-planning/taxrelief>.

Advice and further information

Early consultation is useful and avoids potential difficulties, excessive expenditure or delays.

Ministry for Heritage staff are happy to help at the pre-application stage, or at project planning or during the due diligence process. Contact:

Government Archaeologist: Dominic Lopez

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For advice on Planning Applications contact:

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