

HISTORIC ENVIRONMENT (AMENDMENT) (SCOTLAND) ACT 2011

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 2 – Modifications of the Ancient Monuments and Archaeological Areas Act 1979

Section 11 – Inventories of gardens and designed landscapes and of battlefields

57. **Section 11** inserts new sections 32A and 32B in the 1979 Act which create a new statutory duty for Scottish ministers to compile and maintain an inventory of gardens and designed landscapes and an inventory of battlefields.

New section 32A – Inventory of gardens and designed landscapes

58. Subsection (1) places a new statutory duty on Scottish Ministers to compile and maintain an inventory of gardens and designed landscapes which, in their view, are of national importance.
59. Subsection (2) defines gardens and designed landscapes for the purposes of the new section.
60. Subsection (3) provides Scottish Ministers with the power to add, remove or amend entries in the inventory from time to time.
61. Subsection (4) states that when adding a garden and designed landscape to the inventory or modifying the inventory Scottish Ministers must inform the owner and (when the owner is not the occupier) the occupier of the grounds in question and the local authority in whose area the grounds are situated.
62. Subsection (5) states that Scottish Ministers must from time to time and in a manner they think fit publish a list of the gardens and designed landscapes included in the inventory at the time of publication.

New section 32B – Inventory of battlefields

63. Subsection (1) places a statutory duty on Scottish Ministers to compile and maintain an inventory of battlefields.
64. Subsection (2) defines battlefield for the purposes of the new section.
65. Subsection (3) applies subsections (3) to (5) of new section 32A to an inventory of battlefields compiled under section 32B(1). The effect of this is that the functions of the Scottish Ministers set out in those subsections are also exercisable in respect of the inventory or battlefields.