



Historic Environment (Amendment) (Scotland) Act 2011 2011 asp 3

PART 2

MODIFICATIONS OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

Fines

4 Fines: increases and duty of court in determining amount

- (1) The 1979 Act is amended in accordance with this section.
- (2) In section 2 (control of works affecting scheduled monuments)—
 - (a) in subsection (10) for “the statutory maximum” substitute “£50,000”,
 - (b) after that subsection insert—

“(10A) In determining the amount of any fine to be imposed on a person under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.”.
- (3) In section 28 (offence of damaging certain ancient monuments)—
 - (a) in subsection (4) for “the statutory maximum” substitute “£50,000”,
 - (b) after that subsection add—

“(5) In determining the amount of any fine to be imposed on a person under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.”.