



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

## PART 2

### MODIFICATIONS OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

#### *Monuments and associated land under guardianship*

#### **7 Control and management of monuments and land under guardianship**

- (1) The 1979 Act is amended in accordance with this section.
- (2) In section 13 (effect of guardianship of ancient monuments)—
  - (a) after subsection (2) insert—

“(2A) The power conferred by subsection (2) above includes power—

    - (a) to control the holding of events in or on the monument;
    - (b) to control and manage such events;
    - (c) to require payment of a charge in respect of the holding of such events;
    - (d) to exclude, restrict or otherwise control public access to the monument in connection with such events.”
  - (b) after subsection (7) add—

“(8) In subsection (2A) above—

    - (a) “events” includes functions and any other organised activities;
    - (b) references to the holding of events, in relation to organised activities, are to be construed as references to the carrying out of such activities.”
- (3) In section 15 (acquisition and guardianship of land in vicinity of an ancient monument)—
  - (a) in subsection (3), after “and” where it fourth occurs, insert “without prejudice to that generality”;

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*Status: This is the original version (as it was originally enacted).*

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- (b) after that subsection insert—
    - “(3A) The power of full control and management of land under guardianship conferred by subsection (3) above includes power—
      - (a) to control the holding of events on associated land;
      - (b) to control and manage such events;
      - (c) to require payment of a charge in respect of the holding of such events;
      - (d) to exclude, restrict or otherwise control public access to associated land in connection with such events.”,
  - (c) after subsection (4) insert—
    - “(4A) Subsections (3), (3A) and (4) are subject to any provision to the contrary in the guardianship deed.”,
  - (d) after subsection (6) add—
    - “(7) In subsection (3A) above—
      - (a) “events” includes functions and any other organised activities;
      - (b) references to the holding of events, in relation to organised activities, are to be construed as references to the carrying out of such activities.”.
- (4) In subsection (1) of section 19 (public access to monuments under public control), after “to” where it first occurs, insert “sections 13(2A) and 15(3A) of this Act and to”.
- (5) Paragraph 6(1) of Schedule 3 (transitional provisions) is repealed.