



# Historic Environment Scotland Act 2014

## 2014 asp 19

### HISTORIC ENVIRONMENT SCOTLAND ACT 2014

#### **PART 1**

#### **HISTORIC ENVIRONMENT SCOTLAND**

##### *Establishment*

- 1 Historic Environment Scotland

##### *General functions*

- 2 Functions of Historic Environment Scotland

##### *Functions in relation to property*

- 3 Delegation of functions in relation to properties in care
- 4 Properties in care
- 5 Power of entry to investigate the historic environment

##### *Functions in relation to collections and objects*

- 6 Acquisition, deposit and disposal of objects
- 7 Borrowing and lending of objects
- 8 Delegation of functions in relation to collections

##### *Corporate planning*

- 9 Corporate plan

##### *Grants and loans*

- 10 Grants to Historic Environment Scotland by the Scottish Ministers
- 11 Grants and loans by Historic Environment Scotland

##### *Advice and directions*

- 12 Advice, information and assistance

- 13 Directions and guidance

*Interpretation*

- 14 Interpretation of Part 1

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- 18 Dissolution of RCAHMS  
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- 20 Grants and loans by the Scottish Ministers

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- 21 Local inquiries in relation to scheduled monuments etc.

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*Conservation areas*

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- 25 Interpretation

*Changes to legislation:* There are currently no known outstanding effects for the Historic Environment Scotland Act 2014. (See end of Document for details)

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*Subordinate legislation*

26 Subordinate legislation

*Ancillary provision*

27 Ancillary provision

*Consequential modifications*

28 Consequential modifications

*Crown application*

29 Crown application: criminal offences

30 Crown application: powers of entry

*Commencement and short title*

31 Commencement

32 Short title

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SCHEDULE 1 — HISTORIC ENVIRONMENT SCOTLAND

*Status*

1 (1) Historic Environment Scotland is not a servant or agent...

*Membership*

2 (1) Historic Environment Scotland is to consist of no fewer...

*Persons disqualified from membership*

3 The following persons may not be appointed as (and may...

*Removal of members*

4 (1) The Scottish Ministers may, by written notice, revoke the...

*Remuneration, allowances and expenses of members*

5 Historic Environment Scotland must pay each member such remuneration, allowances...

*Chief executive and staff*

6 (1) Historic Environment Scotland is to employ a person as...

*Pensions, allowances and gratuities*

7 (1) Historic Environment Scotland may, with the approval of the...

*Committees*

8 (1) Historic Environment Scotland may establish committees for any purpose...

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*Procedure and meetings*

- 9 (1) Historic Environment Scotland may determine its own procedures and...

*Delegation of functions*

- 10 (1) Historic Environment Scotland may authorise any of the following...

*Validity of proceedings and actions*

- 11 The validity of proceedings or actions of Historic Environment Scotland...

*General powers*

- 12 (1) Historic Environment Scotland may do anything which appears to...

*Accounts*

- 13 (1) Historic Environment Scotland must— (a) keep proper accounts and...

*Reports*

- 14 (1) As soon as practicable after the end of each...

SCHEDULE 2 — FUNCTIONS OF HISTORIC ENVIRONMENT SCOTLAND  
IN RELATION TO SCHEDULED MONUMENTS

PART 1 — SCHEDULE OF MONUMENTS

- 1 The 1979 Act is amended as follows.  
2 In section 1 (Schedule of monuments)— (a) in subsection (1)—...  
3 After section 1A (Commission's functions as to informing and publishing)...

PART 2 — SCHEDULED MONUMENT CONSENT

- 4 The 1979 Act is further amended as follows.  
5 In section 2 (control of works affecting scheduled monuments)—  
6 After section 3 (grant of scheduled monument consent by order...  
7 In section 4 (duration, modification and revocation of scheduled monument...  
8 After that section insert— Modification and revocation of scheduled monument...  
9 In section 5(1) (execution of works for preservation of a...  
10 In section 6 (powers of entry for inspection of scheduled...  
11 In section 7 (compensation for refusal of scheduled monument consent)  
—...  
12 In section 8 (recovery of compensation under section 7 on...  
13 In section 9(1) (compensation where works cease to be authorised)...  
14 (1) Part 1 of schedule 1 (applications for scheduled monument...  
15 In Part 2 of schedule 1 (modification and revocation of...

PART 3 — SCHEDULED MONUMENT ENFORCEMENT NOTICES

- 16 The 1979 Act is further amended as follows.  
17 In section 9A (power to issue scheduled monument enforcement notice)  
—...  
18 In section 9B (scheduled monument enforcement notices: further provision)—

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- 19 In section 9C (appeal against scheduled monument enforcement notice)  
—
- 20 After that section insert— Determination of appeals under section 9C...
- 21 In section 9D (execution of works required by scheduled monument...
- 22 After section 9F (effect of scheduled monument consent on scheduled...  
PART 4 — SCHEDULED MONUMENTS: STOP NOTICES
- 23 The 1979 Act is further amended as follows.
- 24 In section 9G (stop notices)— (a) in subsection (1) for...
- 25 In section 9H (stop notices: supplementary provisions)—
- 26 After that section insert— Power of the Scottish Ministers to...
- 27 In section 9I (compensation for loss due to stop notice)—...
- 28 In section 9K (temporary stop notices)— (a) in subsection (1)—...
- 29 In section 9L(1) (temporary stop notices: restrictions) for “the Scottish...
- 30 In section 9N (temporary stop notices: compensation)—  
PART 5 — APPEALS AND REFERRALS

## CHAPTER 1

### APPEALS FROM HISTORIC ENVIRONMENT SCOTLAND

- 31 The 1979 Act is further amended as follows.

#### *Appeal against inclusion or amendment of entry in Schedule of monuments*

- 32 After section 1B (publication of the Schedule) (inserted by paragraph...

#### *Appeal in relation to scheduled monument consent*

- 33 After section 4A (inserted by paragraph 8) insert— Appeal in...

#### *Determination of appeals by appointed person*

- 34 After schedule 1 insert— SCHEDULE 1A DETERMINATION OF  
CERTAIN APPEALS...

## CHAPTER 2

### REFERRAL OF CERTAIN APPLICATIONS

#### *Referral of certain applications*

- 35 After section 3A (inserted by paragraph 6) insert— Referral of...  
PART 6 — FUNCTIONS IN RELATION TO GARDENS, LANDSCAPES  
AND BATTLEFIELDS
- 36 Part 1A of the 1979 Act is amended as follows....
- 37 In section 32A (inventory of gardens and designed landscapes)—
- 38 In section 32B(1) (inventory of battlefields)— (a) for “The Scottish...  
PART 7 — OTHER MATTERS IN RELATION TO SCHEDULED  
MONUMENTS
- 39 The 1979 Act is further amended as follows.

#### *Interdict*

- 40 In section 9O (interdicts restraining unauthorised works on scheduled  
monuments)—...

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*Agreements concerning ancient monuments etc.*

41 In section 17 (agreements concerning ancient monuments etc.)—

*Advice and superintendence*

42 In section 25 (advice and superintendence)— (a) in subsection (1)...

*Power of entry: inspection and recording*

43 In section 26 (power of entry on land believed to...

*Power to accept voluntary contributions*

44 In section 31 (voluntary contributions towards expenditure under Part 1...

*Metal detectors*

45 In section 42 (restrictions on use of metal detectors)—

*Power of entry: survey and valuation*

46 In section 43(2) (power of entry for survey and valuation)...

*Compensation*

47 In section 46(1) (compensation for damage caused by exercise of...

*Application to Crown land*

48 In section 50 (application of Act to Crown land) after...

*Finds*

49 In section 54(2) (treatment and preservation of finds) after “State”...

*Proceedings questioning certain orders*

50 In section 55 (proceedings for questioning validity of certain orders)  
—...

*Power to require information*

51 In section 57(1) (power to require information as to interests...

*Interpretation*

52 In section 61(9) (meaning of site of monument) after “State”...

SCHEDULE 3 — FUNCTIONS OF HISTORIC ENVIRONMENT SCOTLAND  
IN RELATION TO LISTING AND CONSERVATION

PART 1 — LISTING OF SPECIAL BUILDINGS

1 The 1997 Act is amended as follows.

*Compiling or approving lists of special buildings*

2 In section 1 (listing of buildings of special architectural or...

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*Publication of lists and notification of listing*

- 3 After section 1 insert— Publication of lists and notification of...  
4 Section 2 (publication of lists) is repealed.

*Temporary listing*

- 5 In section 3 (temporary listing: building preservation notices)—

*Certificate that no intention to list building*

- 6 In section 5A (certificate that building not intended to be...  
PART 2 — LISTED BUILDING CONSENT  
7 The 1997 Act is further amended as follows.  
8 In section 7 (authorisation of works: listed building consent)—  
9 In section 9 (making of applications for listed building consent)—...

*Revocation and modification of listed building consent*

- 10 In section 22(2) (procedure for orders revoking or modifying listed...  
11 In section 23(1)(b) (procedure for orders revoking or modifying listed...  
PART 3 — CONSERVATION AREAS  
12 The 1997 Act is further amended as follows.  
13 In section 61(2) (designation of conservation areas)—  
14 In section 62 (designation of conservation areas: supplementary provisions)—  
15 In paragraph 2 of schedule 1 (buildings formerly subject to...  
16 Paragraph 3 of schedule 1 is repealed.  
PART 4 — APPEALS AGAINST LISTING  
17 The 1997 Act is further amended as follows.  
18 After section 5A (certificate that building not intended to be...  
19 In section 19(3) (appeals: supplementary provisions) for “the Secretary of...  
20 In section 20(1) (determination of appeals) for paragraph (b) substitute —...  
21 In section 37(4) (determination of appeals under section 35) for...  
22 In section 57(2) (validity of certain orders and decisions) before...  
23 In schedule 3 (determination of certain appeals by person appointed...  
PART 5 — OTHER MATTERS IN RELATION TO LISTING  
24 The 1997 Act is further amended as follows.

*Compensation*

- 25 In section 26(1) (compensation for loss or damage caused by...

*Application of 1997 Act to land and works of planning authorities*

- 26 In section 73 (application of 1997 Act to land and...

*Powers of entry*

- 27 In section 76 (rights of entry)— (a) in subsection (1)...

*Building preservation notices*

- 28 In schedule 2 (lapse of building preservation notice) in paragraph...

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#### SCHEDULE 4 — FUNCTIONS OF HISTORIC ENVIRONMENT SCOTLAND IN RELATION TO THE MARINE ENVIRONMENT

- 1 The Marine (Scotland) Act 2010 (asp 5) is amended as...
- 2 After section 80 (advice etc. by Scottish Natural Heritage) insert—...
- 3 In section 82 (duties of public authorities in relation to...
- 4 In section 83 (duties of public authorities in relation to...
- 5 In section 84 (failure to comply with duties) after subsection...

#### SCHEDULE 5 — TRANSFER OF STAFF, PROPERTY ETC. TO HISTORIC ENVIRONMENT SCOTLAND

##### *Staff transfer schemes*

- 1 (1) The Scottish Ministers may make a staff transfer scheme....

##### *Staff transfer schemes: general*

- 2 (1) This paragraph applies in relation to a staff transfer...

##### *Transfers under paragraph 1: effect on contract of employment*

- 3 (1) This paragraph applies where— (a) a person is to...

##### *Property transfer schemes*

- 4 (1) The Scottish Ministers may make a property transfer scheme....

##### *Property transfer schemes: general*

- 5 (1) This paragraph applies in relation to a property transfer...

##### *Transfer schemes: additional provision*

- 6 A staff transfer scheme under paragraph 1 or a property...

#### SCHEDULE 6 — CONSEQUENTIAL MODIFICATIONS

##### *Ethical Standards in Public Life etc. (Scotland) Act 2000*

- 1 In the Ethical Standards in Public Life etc. (Scotland) Act...

##### *Scottish Public Services Ombudsman Act 2002*

- 2 In the Scottish Public Services Ombudsman Act 2002 (asp 11),...

##### *Freedom of Information (Scotland) Act 2002*

- 3 In the Freedom of Information (Scotland) Act 2002 (asp 13),...

##### *Public Appointments and Public Bodies etc. (Scotland) Act 2003*

- 4 In the Public Appointments and Public Bodies etc. (Scotland) Act...

##### *Public Services Reform (Scotland) Act 2010*

- 5 In the Public Services Reform (Scotland) Act 2010 (asp 8)—...



**Changes to legislation:** There are currently no known outstanding effects for the Historic Environment Scotland Act 2014. (See end of Document for details)

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*Public Records (Scotland) Act 2011*

6 In the Public Records (Scotland) Act 2011 (asp 12), in...

**Changes to legislation:**

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