



# Historic Environment Scotland Act 2014

## 2014 asp 19

### PART 6

#### FURTHER MODIFICATIONS IN RELATION TO THE HISTORIC ENVIRONMENT

##### *Grants and loans*

#### **20 Grants and loans by the Scottish Ministers**

- (1) The [Historic Buildings and Ancient Monuments Act 1953 \(c.49\)](#) is amended as follows.
- (2) In section 4 (grants for preservation of historic buildings etc.)—
  - (a) in subsection (1) “outstanding” in each place is repealed,
  - (b) after that subsection insert—

“(1A) The power conferred by subsection (1) to make grants for the purposes mentioned includes power to make loans for those purposes.”,
  - (c) in subsection (3) after “grant” in both places insert “or loan”,
  - (d) after subsection (4) insert—

“(5) A grant or loan made under this section is to be made on such terms and conditions (including as to repayment and, in the case of a loan, payment of interest) as the Scottish Ministers may determine.”,
  - (e) the title to the section becomes “**Grants and loans for preservation of historic buildings etc.**”.
- (3) In the 1979 Act, in section 45A (grants and loans for the development and understanding of matters of historic etc. interest) subsection (3) is repealed.

##### *Scheduled monuments*

#### **21 Local inquiries in relation to scheduled monuments etc.**

- (1) The 1979 Act is amended as follows.

(2) After section 23 (annual reports of Ancient Monuments Boards) insert—

*“Local inquiries*

**23A Local inquiries**

- (1) The Scottish Ministers may hold a local inquiry for the purposes of the exercise of any of their functions under this Part of this Act.
- (2) The Scottish Ministers must appoint a person to hold the inquiry and to report on it to them.
- (3) Subsections (4) to (13) of section 265 of the [Town and Country Planning \(Scotland\) Act 1997 \(c.8\)](#) apply to an inquiry held by virtue of subsection (1) as they apply to an inquiry held by virtue of subsection (1) of that section.

**23B Local inquiries: further provision**

- (1) The Scottish Ministers may by regulations make provision as to the procedure to be followed in connection with inquiries or hearings conducted under or by virtue of this Act.
- (2) Regulations under subsection (1) may in particular make provision—
  - (a) about the notification of an inquiry or hearing,
  - (b) about the manner in which an inquiry or hearing is to be conducted,
  - (c) as to procedure in connection with matters preparatory to such inquiries or hearings and in connection with matters subsequent to them.”.

*Listed buildings*

**22 Meaning of “listed building”**

- (1) The 1997 Act is amended as follows.
- (2) In section 1 (listing of buildings of special architectural or historic interest)—
  - (a) in subsection (4) after “shall” insert “, subject to subsection (4A),”,
  - (b) after that subsection insert—
 

“(4A) In a list compiled or approved under this section, an entry for a building may provide—

    - (a) that an object or structure mentioned in subsection (4)(a) or (b) is not to be treated as part of the building for the purposes of this Act,
    - (b) that any part or feature of the building is not of special architectural or historic interest.”.

**23 Applications for listed building consent**

- (1) The 1997 Act is amended as follows.

- (2) In section 12 (duty to notify Scottish Ministers of applications)—
- (a) in subsection (1) after “shall” insert “, where subsection (1A) applies,”,
  - (b) after that subsection insert—
    - “(1A) This subsection applies where—
      - (a) regulations, or
      - (b) directions given to planning authorities by the Scottish Ministers,provide that the application must be so notified.
    - (1B) Directions under subsection (1A)(b) may be given to—
      - (a) planning authorities generally,
      - (b) a particular planning authority, or
      - (c) a description of planning authority.”.
- (3) In section 13 (directions concerning notification of applications etc.)—
- (a) subsections (1) and (2) are repealed,
  - (b) in subsection (4) “(1) or” is repealed.
- (4) In section 14 (decision on application for listed building consent) after subsection (2) insert—
- “(2A) A planning authority, if minded to grant listed building consent for any works—
    - (a) must consider imposing a condition specified in, or of a nature indicated in, directions given to them by the Scottish Ministers, and
    - (b) must not grant such consent without first satisfying the Scottish Ministers that such consideration has been given and that such a condition either will be imposed or is not needed.”.

### *Conservation areas*

## **24 Control of demolition**

- (1) The 1997 Act is amended as follows.
- (2) In section 66 (control of demolition in conservation areas) in subsection (2) for paragraphs (a) and (b) substitute—
- “(a) the planning authority, or
  - (b) the Scottish Ministers.”.