

## **EXPLANATORY NOTES**

### **HISTORIC ENVIRONMENT (AMENDMENT) (SCOTLAND) ACT 2011**

#### **INTRODUCTION**

#### **THE ACT**

#### **COMMENTARY ON SECTIONS**

##### **The main provisions of the Act**

#### **THE ACT – SECTION BY SECTION**

##### **PART 1 – AMENDMENT OF THE HISTORIC BUILDINGS AND ANCIENT MONUMENTS ACT 1953**

Section 1 – Recovery of grants for repair, maintenance and upkeep of certain property

##### **PART 2 – MODIFICATIONS OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979**

Section 2 – Control of works affecting scheduled monuments

Section 3 – Offences under sections 2, 28 and 42: modification of defences

Section 4 – Fines: increases and duty of court in determining amount

Section 5 – Powers of entry to inspect condition of scheduled monument

Section 6 – Works affecting scheduled monuments: enforcement

**New section 9A – Power to issue scheduled monument enforcement notice**

**New section 9B – Scheduled monument enforcement notices: further provisions**

**New section 9C – Appeal against scheduled monument enforcement notice**

**New section 9D – Execution of works required by scheduled monument enforcement notice**

**New section 9E – Offence where scheduled monument enforcement notice not complied with**

**New section 9F – Effect of scheduled monument consent on scheduled monument enforcement notice**

**New section 9G – Stop notices**

**New section 9H – Stop notices: supplementary provisions**

**New section 9I – Compensation for loss due to stop notice**

**New section 9J – Penalties for contravention of stop notice**

**New section 9K – Temporary stop notices**

**New section 9L – Temporary stop notices: restrictions**

**New section 9M – Temporary stop notices: offences**

**New section 9N – Temporary stop notices: compensation**

**New section 9O – Interdicts restraining unauthorised works on scheduled monuments**

Section 7 – Control and management of monuments and land under guardianship

Section 8 – Provision of facilities, etc. at ancient monuments

Section 9 – Financial support for preservation etc. of monuments

Section 10 – Power of entry on land where monument at risk

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

**New section 32A – Inventory of gardens and designed landscapes**

**New section 32B – Inventory of battlefields**

Section 12 – Development and understanding of matters of historic, etc. interest: grants and loans

Section 13 – Regulations and orders under the 1979 Act

Section 14 – Meaning of “monument” in the 1979 Act

Section 15 – Scheduled monument consent: regulations as respects applications, etc.

Section 16 – Refusal to entertain certain applications for scheduled monument consent

Section 17 – Application for scheduled monument consent: inquiries and hearings

### **PART 3 – MODIFICATIONS OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Section 18 – Certificate that building not intended to be listed

Section 19 – Offences in relation to unauthorised works and listed building consent: increase in fines

Section 20 – Declining to determine an application for listed building consent

Section 21 – Hearings in connection with applications for listed building consent and appeals

Section 22 – Enforcement notice: requirement to cease works

Section 23 – Stop notices and temporary stop notices

**New section 41A – Stop notices**

**New section 41B – Stop notices: supplementary provisions**

**New section 41C – Power of the Scottish Ministers to serve stop notice**

**New section 41D – Compensation for loss due to stop notice**

**New section 41E – Penalties for contravention of stop notice**

**New section 41F – Temporary stop notices**

**New section 41G – Temporary stop notices: restrictions**

**New section 41H – Temporary stop notices: offences**

**New section 41I – Temporary stop notices: compensation**

Section 24 – Non-compliance with listed building enforcement notice: fixed penalty notice

**New section 39A – Fixed penalty notice where listed building enforcement notice not complied with**

Section 25 – Urgent works to preserve unoccupied listed buildings

Section 26 – Liability of owner and successors for expenses of urgent works

**New section 50A – Liability of owner and successors for expenses of works executed under section 49**

**New section 50B – Notice of liability for expenses: further provision**

**New section 50C – Notices of renewal**

**New section 50D – Notice of determination following representations under section 50**

**New section 50E – Discharge of notice of liability for expenses and notice of renewal**

**New section 50F – Meaning of “register” in relation to notices**

**New section 50G – Power to prescribe forms**

Section 27 – Recovery of grants for preservation etc. of listed buildings and conservation areas

Section 28 – Provisions that do not bind the Crown

Section 29 – Regulations in connection with inquiries, etc

Section 30 – Regulations and orders under the 1997 Act

#### **PART 4 – GENERAL**

Section 32 – Ancillary provision

Section 33 – Short title and commencement

#### **PARLIAMENTARY HISTORY**