



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

## PART 2

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

#### *Scheduled monument consent*

#### **15 Scheduled monument consent: applications, etc.**

(1) Schedule 1 to the 1979 Act (control of works affecting scheduled monuments) is amended in accordance with subsections (2) and (3).

(2) After paragraph 1(1) insert—

“(1A) The Scottish Ministers may by regulations make provision as to—

- (a) the manner in which scheduled monument consent is to be granted;
- (b) the form and content of scheduled monument consent.”.

(3) In paragraph 2—

(a) for sub-paragraphs (1) and (2) substitute—

“(1) The Scottish Ministers may refuse to entertain an application for scheduled monument consent unless it is accompanied by a certificate as to the interests in the monument to which the application relates.

(2) The Scottish Ministers may by regulations—

- (a) make provision as to the notice of any application for scheduled monument consent to be given to any person (other than the applicant) who, at the beginning of the period of 21 days ending with the date of the application, was the owner of the monument;
- (b) make provision for publicising applications for scheduled monument consent;

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*Status: This is the original version (as it was originally enacted).*

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- (c) make provision as to—
  - (i) the form and content of certificates such as are mentioned in sub-paragraph (1) and notices such as are mentioned in paragraph (a);
  - (ii) service of such notices;
- (d) make provision as to such further particulars of the matters to which such certificates relate as may be prescribed;
- (e) require an applicant for scheduled monument consent to certify, in such form as may be prescribed, or to provide evidence, that any requirements of the regulations have been satisfied.

(2A) Regulations under sub-paragraph (2) may make different provision for different classes of case.”,

(b) in sub-paragraph (4), after “paragraph” insert “or regulations made under it”.

(4) In subsection (11) of section 2 of that Act (control of works affecting scheduled monuments), after “for,” insert “the manner of granting, and the form, content”.

## **16 Refusal to entertain certain applications for scheduled monument consent**

After paragraph 2A of Schedule 1 to the 1979 Act insert—

- “2B (1) Where sub-paragraph (2) or (3) applies, the Scottish Ministers may refuse to entertain an application for scheduled monument consent.
- (2) This sub-paragraph applies where—
- (a) within the period of 2 years ending with the date the application is received, the Scottish Ministers have refused a similar application; and
  - (b) in their opinion there has been no significant change in any material considerations since the similar application was refused.
- (3) This sub-paragraph applies where the application is made at a time when a similar application is under consideration.
- (4) For the purposes of this paragraph, an application for scheduled monument consent is to be taken to be similar to another such application only if the scheduled monument and the works to which the applications relate are, in the opinion of the Scottish Ministers, the same or substantially the same.”.