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## SCHEDULES

### SCHEDULE 1

#### CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

##### PART I

###### APPLICATIONS FOR SCHEDULED MONUMENT CONSENT

- 2 (1) [<sup>F1</sup>Historic Environment Scotland] 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.]
- [<sup>F1</sup>(2) [<sup>F1</sup>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;
  - (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.]
- (3) Regulations made for the purposes of this paragraph may make provision as to who, in the case of any monument, is to be treated as the owner for those purposes.
- (4) If any person issues a certificate which purports to comply with the requirements of this paragraph [<sup>F3</sup>or of regulations made by the Welsh Ministers under it][<sup>F4</sup>or regulations made under it] and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [<sup>F5</sup>level 3 on the standard scale].

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### Textual Amendments

- F1** Sch. 1 para. 2(1)-(2A) substituted for Sch. 1 para. 2(1)(2) (S.) (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 15(3)(a)**, 33(2); S.S.I. 2011/174, art. 2, Sch.; S.S.I. 2011/372, art. 2, Sch.; S.S.I. 2011/174, art. 2, Sch.; S.S.I. 2011/372, art. 2, Sch.
- F2** Words in Sch. 1 para. 2(1) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 2 para. 14(3)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F3** Words in Sch. 1 para. 2(4) inserted (E.W.) (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 7, 41(2)**
- F4** Words in Sch. 1 para. 1(4) inserted (S.) (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 15(3)(b)**, 33(2); S.S.I. 2011/174, art. 2, Sch.; S.S.I. 2011/372, art. 2, Sch.
- F5** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48\)](#), **s. 46** and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 289G** (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)

### Modifications etc. (not altering text)

- C1** Sch. 1 para. 2 modified (1.1.1993) by [S.I. 1992/3138](#), reg. 4(2), **Sch. 2 para. 1**.
- C2** Sch. 1 para. 2 modified (S.) (28.12.2007) by [The Transport and Works \(Scotland\) Act 2007 \(Consents under Enactments\) Regulations 2007 \(S.S.I. 2007/569\)](#), regs. 1, **6(2)**
- C3** Sch. 1 para. 2 savings for effects of 2014 asp 19, Sch. 2 para. 14 (S.) (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\)](#), arts. 1(1), **6**
- C4** Sch. 1 para. 2(1)(2) savings for effects of 2011 asp 3 s. 15(3) (S.) (1.12.2011) by [The Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(Saving, Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/377\)](#), arts. 1(1), **3**
- C5** Words in Sch. 1 para. 1(4) inserted (S.) (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 15(3)(b)**, 33(2); S.S.I. 2011/174, art. 2, Sch.; S.S.I. 2011/372, art. 2, Sch.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- [Sch. 1 para. 2\(4\) words omitted by 2023 asc 3 Sch. 13 para. 51\(b\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 1\(3A\) inserted by 2023 asc 3 Sch. 13 para. 20\(b\)](#)
- [s. 1AA-1AE omitted by 2023 asc 3 Sch. 13 para. 21](#)
- [s. 7\(4A\) inserted by 2016 anaw 4 s. 10\(2\)](#)
- [s. 33\(1A\) inserted by 2023 asc 3 Sch. 13 para. 35\(a\)](#)