

HISTORIC ENVIRONMENT SCOTLAND ACT 2014

EXPLANATORY NOTES

THE ACT

3. The purpose of the Act is to create a new lead body for Scotland's historic environment – Historic Environment Scotland - which will be a Non-Departmental Public Body, and to equip that body with the necessary powers to be able to carry out the functions which are currently delivered by Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). The Act provides for RCAHMS to be dissolved. The Act also sets out the governance arrangements for the new body and provides for the delegation or transfer to Historic Environment Scotland of Ministerial powers and responsibilities under existing legislation. The Act enables the transfer of the property, staff and liabilities of both RCAHMS and Historic Scotland to Historic Environment Scotland (excluding properties and collections in the care of Scottish Ministers) and realigns certain functions in relation to designation and regulation of the historic environment so they are more consistent with each other and with the wider planning system.

Background: Status and functions of Historic Scotland and RCAHMS

4. Historic Scotland is an Executive Agency of the Scottish Government. This means that it has no powers of its own, but operates using powers conferred on Scottish Ministers.
5. The main functions which Historic Scotland carries out are:
 - Caring for and presenting to visitors the Properties in Care;
 - Designating places to be protected, by scheduling of monuments of national importance, by listing buildings of architectural or historic interest, by adding to the Inventory of Gardens and Designed Landscapes and the Inventory of Historic Battlefields and by designating Historic Marine Protected Areas;
 - Providing specialist advice and expert knowledge to the Scottish Government's Historic Environment Policy Unit to inform the development of Scottish Ministers' policies as they relate to the historic environment and other matters;
 - Providing financial assistance towards the conservation and enhancement of the historic environment; and
 - Providing guidance on the management of the historic environment.
6. RCAHMS was established by Royal Warrant in 1908. It is treated for administrative purposes as a Non-Departmental Public Body. It has been a registered charity since 1992, when the Royal Warrant was last updated. Its purpose is to:
 - identify, survey and analyse the historic and built environment of Scotland;
 - preserve, care for and add to the information and items in its collections; and

*These notes relate to the Historic Environment Scotland Act
2014 (asp 19) which received Royal Assent on 9 December 2014*

- promote understanding, education and enjoyment through interpretation of the information it collects and items it looks after.
7. Many of Historic Scotland's functions are set out in statute, mainly in the Acts listed below. The Act amends the following Acts to ensure that Historic Environment Scotland can operate as intended:
- the Historic Buildings and Ancient Monuments Act 1953 ("the 1953 Act");
 - the Ancient Monuments and Archaeological Areas Act 1979 ("the 1979 Act");
 - the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("the 1997 Act"); and
 - the Marine (Scotland) Act 2010 ("the 2010 Act").