



# Historic Environment Scotland Act 2014

## 2014 asp 19

### PART 7

#### FINAL PROVISIONS

##### *Interpretation*

#### **25 Interpretation**

In this Act—

“1979 Act” means the Ancient Monuments and Archaeological Areas Act 1979 (c.46),

“1997 Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c.9).

##### *Subordinate legislation*

#### **26 Subordinate legislation**

(1) Orders under this Act are subject to the negative procedure.

(2) Subsection (1) does not apply to—

- (a) orders for which provision is made in subsection (3),
- (b) orders under section 31(2).

(3) Orders under—

- (a) section 3(9),
  - (b) section 8(8),
  - (c) section 27(1) which add to, replace or omit the text of an Act,
- are subject to the affirmative procedure.

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*Changes to legislation: There are currently no known outstanding effects for the  
 Historic Environment Scotland Act 2014, PART 7. (See end of Document for details)*

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*Ancillary provision*

**27 Ancillary provision**

- (1) The Scottish Ministers may by order make such incidental, supplementary, consequential, transitional, transitory or saving provision as they consider appropriate for the purposes of, in connection with, or for giving full effect to, this Act or any provision of it.
- (2) An order under subsection (1) may modify any enactment (including this Act).

*Consequential modifications*

**28 Consequential modifications**

Schedule 6 contains amendments and repeals consequential on the establishment of Historic Environment Scotland.

**Annotations:**

**Commencement Information**

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|-----------|--|
| <b>I1</b> | S. 28 in force at 27.2.2015 for specified purposes by<br><a href="#">S.S.I. 2015/31</a><br>›<br><a href="#">art. 2</a><br>›<br><b>Sch.</b>   |
| <b>I2</b> | S. 28<br>in force at 1.10.2015 in so far as not already in force by<br><a href="#">S.S.I. 2015/196</a><br>›<br><a href="#">art. 2</a><br>›<br><b>Sch.</b><br>(with transitional provisions and savings in S.S.I. 2015/239, arts. 2-19) |

*Crown application*

**29 Crown application: criminal offences**

- (1) No contravention by the Crown of section 5(5) makes the Crown criminally liable.
- (2) But the Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (1), this Act applies to persons in the public service of the Crown as it applies to other persons.

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### 30 Crown application: powers of entry

- (1) A power of entry conferred by or under this Act is exercisable in relation to Crown land only with the consent of the appropriate authority.
- (2) The following table determines what is “Crown land” and who the “appropriate authority” is in relation to each kind of Crown land.

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<i>Crown land</i>	<i>Appropriate authority</i>
Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Crown estate	The Crown Estate Commissioners
Other land an interest in which belongs to Her Majesty in right of the Crown	The office-holder in the Scottish Administration or the Government department having the management of the land [ <sup>F1</sup> or the relevant person]
Land an interest in which belongs to Her Majesty in right of Her private estates	The person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers
Land an interest in which belongs to an office-holder in the Scottish Administration	The relevant office-holder in the Scottish Administration
Land an interest in which belongs to a Government department	The relevant Government department
Land an interest in which is held in trust for Her Majesty for the purposes of the Scottish Administration	The relevant office-holder in the Scottish Administration
Land an interest in which is held in trust for Her Majesty for the purposes of a Government department	The relevant Government department

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- (3) “Government department” means a department of the Government of the United Kingdom.

[<sup>F2</sup>(3A) “Relevant person”, in relation to any land to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that land.]

- (4) References to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c.37).

#### Annotations:

#### Amendments (Textual)

- F1** Words in [s. 30\(2\)](#) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), [art. 1\(2\)](#)

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,  
**Sch. 5 para. 47(a)**  
**F2** S. 30(3A)  
inserted (1.4.2017) by  
The Crown Estate Transfer Scheme 2017 (S.I. 2017/524)  
,  
art. 1(2)  
,  
**Sch. 5 para. 47(b)**

### *Commencement and short title*

#### **31 Commencement**

- (1) This section and sections 25 to 27, 29, 30 and 32 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may, by order, appoint.
- (3) An order under subsection (2) may include transitional, transitory or saving provision.

#### **32 Short title**

The short title of this Act is the Historic Environment Scotland Act 2014.

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment Scotland Act 2014, PART 7 .