Status: *Point in time view as at 27/02/2015.*
Changes to legislation: *There are currently no known outstanding effects for the Historic Environment Scotland Act 2014, SCHEDULE 1. (See end of Document for details)*

SCHEDULE 1

(introduced by section 1(3))

HISTORIC ENVIRONMENT SCOTLAND

Status

1 (1) Historic Environment Scotland is not a servant or agent of the Crown.

(2) It does not enjoy any status, immunity or privilege of the Crown.

(3) Its property is not property of, or property held on behalf of, the Crown.

(4) Its members and staff are not to be regarded as civil servants.

Commencement Information

I1 Sch. 1 para. 1 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I2 Sch. 1 para. 1 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Membership

2 (1) Historic Environment Scotland is to consist of no fewer than 10 and no more than 15 persons appointed by the Scottish Ministers as members.

(2) The Scottish Ministers are to appoint one of those members to chair Historic Environment Scotland.

(3) The Scottish Ministers must appoint as members only persons who they consider to have the skills and expertise relevant to the functions of Historic Environment Scotland.

(4) The Scottish Ministers must, when making appointments under sub-paragraph (1), do so in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements.

(5) A member holds and vacates office in accordance with terms and conditions determined by the Scottish Ministers.

(6) A member may resign by written notice to the Scottish Ministers.

(7) The Scottish Ministers may reappoint as a member a person who is (or has been) a member.

(8) The Scottish Ministers may by order amend sub-paragraph (1) to substitute for the minimum or maximum number of members for the time being specified such other number or numbers of members.

(9) In sub-paragraph (4) “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 (equal opportunities) of Part II of schedule 5 to the Scotland Act 1998 (c.46).

Commencement Information

I3 Sch. 1 para. 2 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I4 Sch. 1 para. 2 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Persons disqualified from membership

3 The following persons may not be appointed as (and may not continue to be) members of Historic Environment Scotland—

(a) members of the House of Commons,

(b) members of the House of Lords,

(c) members of the Scottish Parliament,

(d) members of the European Parliament.

Commencement Information

I5 Sch. 1 para. 3 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I6 Sch. 1 para. 3 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Removal of members

4 (1) The Scottish Ministers may, by written notice, revoke the appointment of a person as a member of Historic Environment Scotland if—

(a) the person becomes insolvent,

(b) the person has been absent, without reasonable excuse, from 3 consecutive meetings of Historic Environment Scotland,

(c) the person is otherwise unfit to be a member or unable for any reason to discharge the person's functions as member.

(2) A person becomes insolvent when—

(a) the person's estate is sequestrated,

(b) the person grants a trust deed for creditors or makes a composition or arrangement with creditors,

(c) a voluntary arrangement proposed by the person is approved,

(d) the person's application for a debt payment programme is approved under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17),

(e) the person is adjudged bankrupt, or

(f) the person becomes subject to any other kind of order or arrangement analogous to those described in paragraphs (a) to (e) anywhere in the world.

Commencement Information

I7 Sch. 1 para. 4 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I8 Sch. 1 para. 4 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Remuneration, allowances and expenses of members

5 Historic Environment Scotland must pay each member such remuneration, allowances and expenses as the Scottish Ministers may determine.

Commencement Information

I9 Sch. 1 para. 5 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I10 Sch. 1 para. 5 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Chief executive and staff

6 (1) Historic Environment Scotland is to employ a person as chief executive.

(2) The person employed as chief executive may not be a member of Historic Environment Scotland.

(3) The chief executive is to be appointed—

(a) by Historic Environment Scotland with the approval of the Scottish Ministers,

(b) on terms and conditions determined by it and approved by the Scottish Ministers.

(4) Historic Environment Scotland may employ any other staff necessary for the exercise of its functions.

(5) Staff of Historic Environment Scotland are to be employed on terms and conditions determined by it and approved by the Scottish Ministers.

Commencement Information

I11 Sch. 1 para. 6 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I12 Sch. 1 para. 6 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Pensions, allowances and gratuities

7 (1) Historic Environment Scotland may, with the approval of the Scottish Ministers, make provision about such pensions, allowances or gratuities in respect of any person who is or has been an employee of Historic Environment Scotland as it may determine.

(2) That provision may take the form of—

(a) payment (or making arrangements for the payment) of,

(b) payments or contributions towards the provision of,

(c) providing and maintaining schemes (whether contributory or not) for the payment of,

such pensions, allowances or gratuities.

(3) Those pensions, allowances or gratuities may include pensions, allowances or gratuities by way of compensation for loss of office.

Commencement Information

I13 Sch. 1 para. 7 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I14 Sch. 1 para. 7 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Committees

8 (1) Historic Environment Scotland may establish committees for any purpose relating to its functions.

(2) Historic Environment Scotland is to determine the composition of its committees.

(3) Historic Environment Scotland may appoint a person who is not a member of Historic Environment Scotland to be a member of a committee.

(4) But such a person is not entitled to vote at meetings of the committee.

(5) A committee must comply with any directions given to it by Historic Environment Scotland.

Commencement Information

I15 Sch. 1 para. 8 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I16 Sch. 1 para. 8 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Procedure and meetings

9 (1) Historic Environment Scotland may determine its own procedures and those of its committees, including the quorum at any meeting of it or of a committee.

(2) The following persons may attend and take part in any meeting of Historic Environment Scotland or of a committee—

(a) members of the Scottish Government,

(b) persons authorised by the Scottish Ministers.

(3) The persons mentioned in sub-paragraph (2) are not entitled to vote at such meetings.

Commencement Information

I17 Sch. 1 para. 9 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I18 Sch. 1 para. 9 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Delegation of functions

10 (1) Historic Environment Scotland may authorise any of the following to exercise such of its functions (and to such extent) as it may determine—

(a) a member,

(b) any of its committees,

(c) the chief executive,

(d) any other employee.

(2) But Historic Environment Scotland may not authorise the function of approving annual reports and accounts to be exercised by any other person.

(3) Nothing in sub-paragraph (1) affects the responsibility of Historic Environment Scotland for the exercise of its functions.

Commencement Information

I19 Sch. 1 para. 10 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I20 Sch. 1 para. 10 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Validity of proceedings and actions

11 The validity of proceedings or actions of Historic Environment Scotland (or of a committee) is not affected by—

(a) any vacancy in the membership of Historic Environment Scotland or of the committee,

(b) any defect in the appointment of a member of Historic Environment Scotland or of the committee,

(c) the disqualification of a person as such a member after appointment.

Commencement Information

I21 Sch. 1 para. 11 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I22 Sch. 1 para. 11 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

General powers

12 (1) Historic Environment Scotland may do anything which appears to it—

(a) to be necessary or expedient for the purposes of, or in connection with, the exercise of its functions,

(b) to be conducive to the exercise of those functions.

(2) In particular, Historic Environment Scotland may—

(a) enter into contracts,

(b) borrow money from the Scottish Ministers or, with the approval of the Scottish Ministers, from other persons,

(c) enter into any business or undertaking,

(d) form, promote or acquire (whether alone or with others) companies (within the meaning of the Companies Act 2006 (c.46)),

(e) enter into joint ventures with others,

(f) undertake or execute any charitable trust,

(g) invest sums not immediately required in relation to the exercise of its functions,

(h) accept gifts of money and other property,

(i) obtain advice or assistance from any person who is, in Historic Environment Scotland's opinion, qualified to give it,

(j) carry out or commission research,

(k) issue publications,

(l) make charges in connection with the exercise of its functions (including charges for the provision of goods and services).

(3) Historic Environment Scotland may not acquire and dispose of land without the consent of the Scottish Ministers.

(4) In sub-paragraph (2)(f) a trust is a charitable trust if all its purposes are charitable purposes within the meaning of section 7(2) of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10).

(5) In sub-paragraph (2)(l) the reference to Historic Environment Scotland's functions does not include functions it has by virtue of a delegation by the Scottish Ministers under section 3 or 8.

Commencement Information

I23 Sch. 1 para. 12 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I24 Sch. 1 para. 12 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Accounts

13 (1) Historic Environment Scotland must—

(a) keep proper accounts and accounting records,

(b) prepare in respect of each financial year a statement of accounts, and

(c) send a copy of the statement to the Scottish Ministers.

(2) Historic Environment Scotland must comply with any directions which the Scottish Ministers give it in relation to the matters mentioned in sub-paragraph (1).

(3) Historic Environment Scotland must send the statement of accounts to the Auditor General for Scotland for auditing.

Commencement Information

I25 Sch. 1 para. 13 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I26 Sch. 1 para. 13 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Reports

14 (1) As soon as practicable after the end of each financial year, Historic Environment Scotland must prepare a report—

(a) providing information on the exercise of its functions during that year,

(b) containing any other information that the Scottish Ministers require, and

(c) including a copy of the statement of accounts for that year audited by the Auditor General for Scotland.

(2) Historic Environment Scotland must—

(a) send a copy of the report to the Scottish Ministers, and

(b) publish the report.

(3) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.

(4) Historic Environment Scotland may publish such other reports and information on matters relevant to its functions as it considers appropriate.

Commencement Information

I27 Sch. 1 para. 14 in force at 19.1.2015 for specified purposes by S.S.I. 2014/368, **art. 2**

I28 Sch. 1 para. 14 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, **Sch.**

Status:
Point in time view as at 27/02/2015.

Changes to legislation:
There are currently no known outstanding effects for the Historic Environment Scotland Act 2014, SCHEDULE 1.