
Changes to legislation: There are currently no known outstanding effects for the Historic Environment Scotland Act 2014, Paragraph 14. (See end of Document for details)

SCHEDULE 2 FUNCTIONS OF HISTORIC ENVIRONMENT SCOTLAND IN RELATION TO SCHEDULED MONUMENTS

PART 2

SCHEDULED MONUMENT CONSENT

- 14 (1) Part 1 of schedule 1 (applications for scheduled monument consent) is amended as follows.
- (2) In paragraph 1(1) for “the Secretary of State” substitute “ Historic Environment Scotland ”.
- (3) In paragraph 2(1) for “The Scottish Ministers” substitute “ Historic Environment Scotland ”.
- (4) In paragraph 2B—
- (a) in sub-paragraph (1) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”,
- (b) in sub-paragraph (2)(a)—
- (i) after “received,” insert “ Historic Environment Scotland has or ”,
- (ii) after “refused” insert “ or the Scottish Ministers have dismissed an appeal against the refusal of, or an appeal under section 4B(3) in respect of, ”,
- (c) in sub-paragraph (2)(b)—
- (i) for “their” substitute “ its ”,
- (ii) after “refused” insert “ or the appeal was dismissed ”,
- (d) in sub-paragraph (4) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”.
- (5) After that paragraph insert—
- “2C (1) If Historic Environment Scotland, on an application to it for scheduled monument consent, intends to grant that consent, it must, where sub-paragraph (2) applies, first notify the Scottish Ministers of the application.
- (2) This sub-paragraph applies where—
- (a) regulations, or
- (b) directions given to Historic Environment Scotland by the Scottish Ministers,
- provide that the application must be so notified.
- (3) The Scottish Ministers may within the period of 28 days beginning with the date of the notification—
- (a) direct the reference of the application to them under section 3B, or
- (b) give notice to Historic Environment Scotland that they require further time in which to consider whether to require such a reference.
- (4) Historic Environment Scotland must not grant scheduled monument consent until—
- ”

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- (a) the period mentioned in sub-paragraph (3) has expired without the Scottish Ministers directing the reference of the application to them or giving notice under paragraph (b) of that sub-paragraph, or
 - (b) the Scottish Ministers have notified Historic Environment Scotland that they do not intend to require the reference of the application.
- 2D The Scottish Ministers may give directions to Historic Environment Scotland requiring it, in such cases or classes of case as may be specified in the directions, to notify to Ministers and to such other persons as may be so specified—
- (a) any applications made to it for scheduled monument consent, and
 - (b) the decisions taken on those applications.”.
- (6) In paragraph 3—
- (a) in sub-paragraph (1) after “State” insert “ or Historic Environment Scotland ”,
 - (b) for sub-paragraphs (2) and (3) substitute—
 - “(2) The Scottish Ministers may by regulations make provision for the procedure to be followed by Historic Environment Scotland in considering and determining applications for scheduled monument consent.”,
 - (c) in sub-paragraph (4)—
 - (i) after “State” insert “ or, as the case may be, Historic Environment Scotland ”,
 - (ii) for “his” substitute “ the ”,
 - (iii) “to him” is repealed.
- (7) Paragraph 4 is repealed.

Commencement Information

- I1** [Sch. 2 para. 14](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31, art. 2, Sch.](#)
- I2** [Sch. 2 para. 14](#) in force at 1.10.2015 in so far as not already in force by [S.S.I. 2015/196, art. 2, Sch.](#) (with transitional provisions and savings in [S.S.I. 2015/239, arts. 2-19](#))

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