

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

**PART 2**

SCHEDULED MONUMENT CONSENT

- 5 In section 2 (control of works affecting scheduled monuments)—
- (a) in subsection (3)(a) after “State” insert “ or Historic Environment Scotland ”,
  - (b) in subsection (3A) for paragraph (b) substitute—
    - “(b) consent for the retention of the works is granted by the  
Scottish Ministers or by Historic Environment Scotland,”
  - (c) in subsection (5) in paragraph (b) and in the fullout for “the Secretary of  
State” in each place substitute “ Historic Environment Scotland ”,
  - (d) after that subsection insert—
    - “(5A) The conditions that may be attached to scheduled monument consent  
under subsection (4) include a condition reserving specified details  
of the works (whether or not set out in the application for consent)  
for subsequent approval by Historic Environment Scotland.”
  - (e) in subsection (9) for “the Secretary of State” substitute “ Historic  
Environment Scotland ”.

**Commencement Information**

- I1** [Sch. 2 para. 5](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31, art. 2, Sch.](#)
- I2** [Sch. 2 para. 5](#) 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](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment Scotland Act 2014, Paragraph 5.