

*Changes to legislation:* There are currently no known outstanding effects for the  
Historic Environment Scotland Act 2014, PART 4. (See end of Document for details)

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

### PART 4

#### SCHEDULED MONUMENTS: STOP NOTICES

23 The 1979 Act is further amended as follows.

##### Commencement Information

- I1** [Sch. 2 para. 23](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31](#), [art. 2](#), [Sch.](#)  
**I2** [Sch. 2 para. 23](#) 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)

- 24 In section 9G (stop notices)—
- (a) in subsection (1) for “the Scottish Ministers consider” substitute “ Historic Environment Scotland considers ”,
  - (b) in subsection (2)—
    - (i) for “The Scottish Ministers” substitute “ Historic Environment Scotland ”,
    - (ii) for “they serve” substitute “ it serves ”,
  - (c) in subsection (3) for “the Scottish Ministers require” substitute “ Historic Environment Scotland requires ”,
  - (d) in subsection (5)(a) for “the Scottish Ministers consider” substitute “ Historic Environment Scotland considers ”,
  - (e) in subsection (6)—
    - (i) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”,
    - (ii) for “them” substitute “ it ”,
  - (f) in subsection (7)—
    - (i) for “The Scottish Ministers” substitute “ Historic Environment Scotland ”,
    - (ii) for “their” substitute “ its ”.

##### Commencement Information

- I3** [Sch. 2 para. 24](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31](#), [art. 2](#), [Sch.](#)  
**I4** [Sch. 2 para. 24](#) 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)

- 25 In section 9H (stop notices: supplementary provisions)—
- (a) in subsection (3) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”,
  - (b) in subsection (4) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”.

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- I5** [Sch. 2 para. 25](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31, art. 2, Sch.](#)  
**I6** [Sch. 2 para. 25](#) 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)

26 After that section insert—

#### “9HA Power of the Scottish Ministers to serve stop notice

- (1) If it appears to the Scottish Ministers that it is expedient that a stop notice should be served in respect of any monument or land in, on or under which there is a scheduled monument, they may serve such a notice under section 9G.
- (2) A stop notice served by the Scottish Ministers has the same effect as if it had been served by Historic Environment Scotland.
- (3) The Scottish Ministers must not serve such a notice without consulting Historic Environment Scotland.
- (4) The provisions of this Act relating to stop notices apply, so far as relevant, to a stop notice served by the Scottish Ministers as they apply to a stop notice served by Historic Environment Scotland, but with the substitution for any reference to Historic Environment Scotland of a reference to the Scottish Ministers, and any other necessary modifications.”.

#### Commencement Information

- I7** [Sch. 2 para. 26](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31, art. 2, Sch.](#)  
**I8** [Sch. 2 para. 26](#) 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)

- 27 In section 9I (compensation for loss due to stop notice)—
- (a) in subsection (1) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”,
  - (b) in subsection (3)(c)—
    - (i) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”,
    - (ii) for “them” substitute “ it ”,
  - (c) in subsection (5)(b) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”.

#### Commencement Information

- I9** [Sch. 2 para. 27](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31, art. 2, Sch.](#)  
**I10** [Sch. 2 para. 27](#) 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)

- 28 In section 9K (temporary stop notices)—
- (a) in subsection (1)—

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- (i) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”,
- (ii) for “they may, if they consider” substitute “ it may, if it considers ”,
- (b) in subsection (2)(c) for “the Scottish Ministers” substitute “Historic Environment Scotland's”,
- (c) in subsection (3) for “the Scottish Ministers” in both places substitute “ Historic Environment Scotland ”,
- (d) in subsection (4) for “The Scottish Ministers” substitute “ Historic Environment Scotland ”,
- (e) in subsection (8) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”.

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#### Commencement Information

- I11** [Sch. 2 para. 28](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31, art. 2, Sch.](#)
- I12** [Sch. 2 para. 28](#) 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)

- 29 In section 9L(1) (temporary stop notices: restrictions) for “the Scottish Ministers have” substitute “ Historic Environment Scotland has ”.

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#### Commencement Information

- I13** [Sch. 2 para. 29](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31, art. 2, Sch.](#)
- I14** [Sch. 2 para. 29](#) 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)

- 30 In section 9N (temporary stop notices: compensation)—
- (a) in subsection (1) for “the Scottish Ministers” substitute “ Historic Environment Scotland ”,
  - (b) in subsection (2)(b) for “the Scottish Ministers withdraw” substitute “ Historic Environment Scotland withdraws ”.

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#### Commencement Information

- I15** [Sch. 2 para. 30](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31, art. 2, Sch.](#)
- I16** [Sch. 2 para. 30](#) 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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