
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 372 (C. 35)

**ANCIENT MONUMENTS
TOWN AND COUNTRY PLANNING**

**The Historic Environment (Amendment) (Scotland)
Act 2011 (Commencement No. 2) Order 2011**

| | | |
|--|---------|--------------------------|
| <i>Made</i> | - - - - | <i>27th October 2011</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>31st October 2011</i> |
| <i>Coming into force</i> | - - | <i>1st December 2011</i> |

The Scottish Ministers make the following Order in exercise of the powers conferred by section 33(2) and (3) of the Historic Environment (Amendment) (Scotland) Act 2011⁽¹⁾.

Citation and commencement

1. This Order may be cited as the Historic Environment (Amendment) (Scotland) Act 2011 (Commencement No. 2) Order 2011 and comes into force on 1st December 2011.

Appointed day

2. The day appointed for the coming into force of the provisions (to the extent not already in force) of the Historic Environment (Amendment) (Scotland) Act 2011 specified in column 1 of the Schedule (the subject matter of which is described in column 2 of the Schedule) is 1st December 2011.

St Andrew's House,
Edinburgh
27th October 2011

FIONA HYSLOP
A member of the Scottish Executive

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

| <i>Column 1</i> | <i>Column 2</i> |
|------------------------------|---|
| <i>Provisions of the Act</i> | <i>Subject Matter</i> |
| Section 2 | Control of works affecting scheduled monuments |
| Section 3 | Offences under sections 2, 28 and 42: modification of defences |
| Section 4 | Fines: increases and duty of court in determining amount |
| Section 6 | Works affecting scheduled monuments: enforcement |
| Section 10 | Power of entry on land where monument at risk |
| Section 14 | Meaning of “monument” in the 1979 Act |
| Section 15 | Scheduled monument consent: applications, etc. |
| Section 16 | Refusal to entertain certain applications for scheduled monument consent |
| Section 17 | Application for scheduled monument consent: inquiries and hearings |
| Section 18 | Certificate that building not intended to be listed |
| Section 19 | Offences in relation to unauthorised works and listed building consent: increase in fines |
| Section 20 | Declining to determine an application for listed building consent |
| Section 21 | Hearings in connection with applications for listed building consent and appeals |
| Section 22 | Enforcement notice: requirements to cease works |
| Section 23 | Stop notices and temporary stop notices |

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| <i>Column 1</i> | <i>Column 2</i> |
|------------------------------|--|
| <i>Provisions of the Act</i> | <i>Subject Matter</i> |
| Section 24 | Non-compliance with listed building enforcement notice: fixed penalty notice |
| Section 25 | Urgent works to preserve unoccupied listed buildings |
| Section 26 | Liability of owner and successors for expenses of urgent works |
| Section 28 | Provisions that do not bind the Crown |

EXPLANATORY NOTE

(This note is not part of the Order)

The Order brings into force on 1st December 2011 for all purposes sections 2, 3, 4, 6, 10, 14 to 26 and 28 of the Historic Environment (Amendment) (Scotland) Act 2011.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by a commencement order made before the date of this Order.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>Instrument No.</i> |
|---|-----------------------------|---------------------------------|
| Sections 1, 5, 7, 8, 9, 11, 12, 13, 27, 29(1) and 30 (for all purposes) and sections 6, 15, 20, 23, 24 and 26 (only for the purpose of enabling regulations to be made) | 30th June 2011 | S.S.I. 2011/174 |