

POLICY NOTE

THE HISTORIC ENVIRONMENT SCOTLAND ACT 2014 (COMMENCEMENT No. 3) ORDER 2015

SSI 2015/196 (C. 31)

1. The above instrument is made in exercise of the powers conferred by section 31(2) of the Historic Environment Scotland Act 2014 (“the 2014 Act”).

Policy objectives

2. The instrument represents the final stage of commencement of the 2014 Act, and will result in all provisions of the 2014 Act being fully commenced.

3. Certain provisions in the 2014 Act have already been commenced by two earlier commencement orders.

- The first commencement order (SSI 2014/368) came into force on 19th January 2015 establishing Historic Environment Scotland (“HES”) and bringing into force the provisions of schedule 1 to the 2014 Act which relate to the establishment of the body for the limited purpose of enabling the Scottish Ministers to appoint the members (including the chair) of HES, and allowing HES to appoint a person as its Chief Executive.
- The second commencement order (SSI 2015/31) commenced the following provisions of the 2014 Act on 27 February 2015 –
 - sections 1 and 2 and schedule 1 only for the purpose of enabling HES to exercise any function conferred on it under or by virtue of sections 9 (corporate plan), 12 (advice and assistance), 13 (Ministerial directions) and 19 and schedule 5 (transfer of staff and property) to the 2014 Act;
 - sections 9, 12, 13 and 19 and schedule 5 and section 28 and schedule 6 (except paragraphs 1(a), 2(b), 3(b), 4(b), 5(a)(ii), 5(b)(ii) and 6(b) fully; and
 - sections 15 and 16 and schedules 2 and 3 and sections 21 and 23 only for the purpose of allowing Ministers to make regulations or directions in connection with functions relating to scheduled monuments, listed buildings and conservation areas.

4. The provisions now to be commenced may broadly be described as “operational” provisions, which will allow HES fully to take on all of the functions conferred on it by the 2014 Act, including all functions currently discharged by Historic Scotland and by the Royal Commission on the Ancient and Historical Monuments of Scotland.

5. The two existing bodies will cease to operate.

Commencement

6. Article 2 of this Order appoints 1 October 2015 as the day on which all provisions of the 2014 Act which have not already been commenced come into force. The Order brings into force for all purposes, sections 1 to 8, 10, 11, 15 to 18, and 20 to 24 and schedules 1 to 6. It brings the 2014 Act fully into force.

Consultation

7. The intention that the functions under the 2014 Act would be fully conferred on HES on 1st October 2015 was made widely known during the passage of the Bill for the Act, and there have been no objections to this commencement date.

Culture and Historic Environment Division
The Scottish Government
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