



# Historic Environment (Amendment) (Scotland) Act 2011 2011 asp 3

## PART 2

### MODIFICATIONS OF THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

#### *Scheduled monument consent*

#### **16 Refusal to entertain certain applications for scheduled monument consent**

After paragraph 2A of Schedule 1 to the 1979 Act insert—

- “2B (1) Where sub-paragraph (2) or (3) applies, the Scottish Ministers may refuse to entertain an application for scheduled monument consent.
- (2) This sub-paragraph applies where—
- (a) within the period of 2 years ending with the date the application is received, the Scottish Ministers have refused a similar application; and
  - (b) in their opinion there has been no significant change in any material considerations since the similar application was refused.
- (3) This sub-paragraph applies where the application is made at a time when a similar application is under consideration.
- (4) For the purposes of this paragraph, an application for scheduled monument consent is to be taken to be similar to another such application only if the scheduled monument and the works to which the applications relate are, in the opinion of the Scottish Ministers, the same or substantially the same.”

#### **Commencement Information**

**II** S. 16 in force at 1.12.2011 by [S.S.I. 2011/372](#), art. 2, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment (Amendment) (Scotland) Act 2011, Section 16.