

HISTORIC ENVIRONMENT SCOTLAND ACT 2014

EXPLANATORY NOTES

COMMENTARY

Part 1 – Historic Environment Scotland

Section 13 - Directions and guidance

74. **Section 13** allows the Scottish Ministers to direct Historic Environment Scotland (both generally and specifically) in relation to the exercise of its functions.
75. Subsection (2) provides that the Scottish Ministers will not be able to direct in respect of particular historic properties, collections or objects or the making of grants and loans. This is to provide for curatorial independence, allowing for decision-making to be led solely by expert knowledge and judgement in these key areas. However, subsection (2)(a) which prevents Ministers from directing on a particular historic property, object or collection, does not apply (by virtue of subsection (3)) in cases where Historic Environment Scotland is exercising functions delegated by Scottish Ministers under section 3 or 8. This means that with regards to the properties in care and associated collections Ministers may give directions to Historic Environment Scotland, in recognition of the fact that these functions remain the responsibility of Scottish Ministers and are only delegated to Historic Environment Scotland.
76. Historic Environment Scotland must comply with directions and must have regard to guidance issued by the Scottish Ministers (subsection (4)). Directions must be given in writing (subsection (5)) and the Scottish Ministers must publish directions and guidance (subsection (6)).