

HISTORIC ENVIRONMENT SCOTLAND ACT 2014

EXPLANATORY NOTES

COMMENTARY

Part 1 – Historic Environment Scotland

Section 3 – Delegation of functions in relation to properties in care

31. **Section 3** allows the Scottish Ministers to delegate their functions (statutory and non-statutory) in relation to properties in care to Historic Environment Scotland or any prescribed person Ministers consider appropriate. This means that Ministers may only delegate functions under this section to persons who have been first prescribed by order.
32. Subsection (3) allows for delegation to take place despite the existence of prohibitions or restrictions on delegation in agreements.
33. Subsection (5) makes it clear that any revenue received as a result of the exercise of any delegated function is the revenue of the person to whom the function is delegated unless Ministers provide otherwise in the delegation. Thus, Historic Environment Scotland would retain money paid for admittance to visitor properties.
34. Subsection (6) makes it clear that delegating functions does not affect the ultimate responsibility of the Scottish Ministers for properties in care.
35. Subsection (8) requires Ministers to publish delegations under subsection (1), in the interests of transparency.
36. The scheme(s) of delegation from the Scottish Ministers to Historic Environment Scotland or other bodies would specify expected standards of conservation and maintenance and degree of public access, and the measures by which achievement of these would be monitored. Schemes of delegation could also deal with matters such as charging for access and for additional services.