

HISTORIC ENVIRONMENT SCOTLAND ACT 2014

EXPLANATORY NOTES

COMMENTARY

Part 1 – Historic Environment Scotland

Section 7 - Borrowing and lending of objects

55. Subsection (1) of section 7 allows Historic Environment Scotland to borrow or accept loans of historic objects for exhibition, study or research while subsection (2) allows Historic Environment Scotland to lend any historic object from its collections.
56. Subsection (3) specifies the factors that Historic Environment Scotland must have regard to when deciding whether or not to lend an object, and when deciding how long to lend for and any conditions of lending.
57. The factors to which Historic Environment Scotland must have regard are: the interests of the users of the collections; the suitability of the prospective borrower; the purpose of the loan; the physical condition and degree of rarity of the object, and any risk to which the object is likely to be exposed and the extent to which that risk can be mitigated or indemnified.
58. Subsection (4) makes clear that these powers are in addition to any other powers of borrowing, accepting loans or lending that Historic Environment Scotland may have, as Historic Environment Scotland may in future be given additional statutory powers under other legislation.
59. Subsection (5) protects prohibitions or restrictions on lending that donors have attached to objects in the collections and is intended to serve as a reminder to Historic Environment Scotland to check for any such conditions when considering lending objects under subsection (2). Prohibitions or restrictions on lending may only be overridden with the consent of the person having the right to enforce the condition or if the name and contact details of such a person cannot be ascertained despite Historic Environment Scotland taking all reasonable steps to ascertain them.