

These notes relate to the Historic Environment Scotland Act 2014 (asp 19) which received Royal Assent on 9 December 2014

HISTORIC ENVIRONMENT SCOTLAND ACT 2014

EXPLANATORY NOTES

SCHEDULES

Schedule 2 – Functions of Historic Environment Scotland in Relation to Scheduled Monuments

Part 4 – Scheduled monuments: stop notices

140. **Part 4** of the schedule confers on Historic Environment Scotland functions in relation to stop notices and temporary stop notices currently conferred on Scottish Ministers by amending sections 9G, 9H, 9I, 9K, 9L and 9N of the 1979 Act. From the point of view of the person receiving such a notice, the extant arrangements are transferred intact from Ministers to Historic Environment Scotland. Amendments to section 9G of the 1979 Act enable Historic Environment Scotland to serve a stop notice, where a scheduled monument enforcement notice has been served requiring works to cease, whilst amendments to section 9K enable Historic Environment Scotland to serve a temporary stop notice requiring works to stop immediately.
141. **Paragraph 26** inserts section 9HA into the 1979 Act with the effect that the Scottish Ministers may serve a stop notice under section 9G, and that this has the same effect as if the notice were served by Historic Environment Scotland. This allows Ministers to serve these notices in cases where they have called in an application for scheduled monument consent. Ministers must not serve a notice under this section without first consulting Historic Environment Scotland.