



Historic Environment Scotland Act 2014

2014 asp 19

PART 1

HISTORIC ENVIRONMENT SCOTLAND

Functions in relation to collections and objects

6 Acquisition, deposit and disposal of objects

- (1) Historic Environment Scotland may—
 - (a) acquire (by purchase, exchange or gift),
 - (b) accept on deposit,any object which it considers it is desirable to add to its collections.
- (2) The powers in subsection (1) are in addition to any other powers or means of acquisition or acceptance on deposit that Historic Environment Scotland has.
- (3) Historic Environment Scotland may dispose of any object from its collections (including any object it has created) if—
 - (a) the object is a duplicate of, or similar to, another object in the collections,
 - (b) Historic Environment Scotland considers that the object is not required for the purposes of the collections,
 - (c) because of damage, deterioration or infestation by destructive organisms, the object is no longer of use for the purposes of the collections,
 - (d) the object is hazardous,
 - (e) in any other case, the Scottish Ministers agree to the disposal.
- (4) Disposal under subsection (3) may be by sale, exchange, gift, return or destruction.
- (5) The power in subsection (3) is in addition to any other powers of disposal that Historic Environment Scotland has.
- (6) Where an object is subject to a prohibition or restriction on disposal (including one imposed by virtue of paragraph 5(5) of schedule 5), Historic Environment Scotland may dispose of the object under subsection (3) in a manner inconsistent with the prohibition or restriction only—

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- (a) if the person having the right to enforce the prohibition or restriction consents,
 - (b) in the circumstances mentioned in subsection (3)(c), if Historic Environment Scotland is unable, despite taking all reasonable steps, to ascertain the name and contact details of any person having that right, or
 - (c) in the circumstances mentioned in subsection (3)(d).
- (7) In this section and in section 7, references to Historic Environment Scotland's collections are to collections which are owned by, in the custody of, or otherwise under the management and control of Historic Environment Scotland (but do not include collections in relation to which Historic Environment Scotland has functions by virtue of a delegation by the Scottish Ministers under section 8).

Commencement Information

- II** [S. 6](#) in force at 1.10.2015 by [S.S.I. 2015/196](#), [art. 2](#), [Sch.](#) (with transitional provisions and savings in [S.S.I. 2015/239](#), arts. 2-19)

7 Borrowing and lending of objects

- (1) Historic Environment Scotland may borrow or accept loans of objects for the purposes of exhibition, study or research or in connection with the exercise of any of its functions.
- (2) Historic Environment Scotland may lend any object from its collections (including any object it has created).
- (3) In deciding whether or not to lend an object (and in determining the period for which and the conditions on which the object is to be lent), Historic Environment Scotland is to have regard to—
- (a) the interests of users of the collections,
 - (b) the suitability of the prospective borrower,
 - (c) the purpose of the loan,
 - (d) the physical condition and degree of rarity of the object,
 - (e) any risk to which the object is likely to be exposed and the extent to which that risk can be mitigated or indemnified.
- (4) The powers in subsections (1) and (2) are in addition to any other powers of borrowing, accepting loans or lending that Historic Environment Scotland has.
- (5) Where an object is subject to a prohibition or restriction on lending (including one imposed by virtue of paragraph 5(5) of schedule 5), Historic Environment Scotland may lend the object under subsection (2) in a manner inconsistent with the prohibition or restriction only if—
- (a) the person having the right to enforce the prohibition or restriction consents, or
 - (b) Historic Environment Scotland is unable, despite taking all reasonable steps, to ascertain the name and contact details of any person having that right.

Commencement Information

- I2** [S. 7](#) in force at 1.10.2015 by [S.S.I. 2015/196](#), [art. 2](#), [Sch.](#) (with transitional provisions and savings in [S.S.I. 2015/239](#), arts. 2-19)

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8 Delegation of functions in relation to collections

- (1) The Scottish Ministers may, to such extent and subject to such conditions as they consider appropriate, delegate the exercise of any of their functions in relation to their collections to—
 - (a) Historic Environment Scotland,
 - (b) any prescribed person Ministers consider appropriate.
- (2) A function arising from an agreement may be delegated under subsection (1) despite any prohibition or restriction in the agreement on delegation of the function.
- (3) A delegation under subsection (1) may be made in relation to—
 - (a) a particular collection, a group of collections or all collections,
 - (b) a particular object in a collection or a group of objects.
- (4) Where a function delegated under subsection (1) relates to the making or receiving of charges of any kind, any revenue received as a result of the exercise of that function is revenue of the person to whom the function is delegated unless provision to the contrary is made in the delegation.
- (5) The delegation of a function under subsection (1) does not affect—
 - (a) the ability of the Scottish Ministers to exercise the function,
 - (b) their responsibility for that function.
- (6) Delegations under subsection (1)—
 - (a) must be in writing,
 - (b) may be varied or revoked at any time.
- (7) The Scottish Ministers must publish delegations under subsection (1).
- (8) In this section—

references to the Scottish Ministers' collections are to collections which are owned by, in the custody of, or otherwise under the management and control of the Scottish Ministers,

“functions” includes functions—
 - (a) conferred by or under this Act or any other enactment, or
 - (b) arising from any agreement,

“prescribed”, in relation to a person to whom the Scottish Ministers may delegate functions under subsection (1)(b), means prescribed by Ministers by order.

Commencement Information

- I3** S. 8 in force at 1.10.2015 by S.S.I. 2015/196, art. 2, Sch. (with transitional provisions and savings in S.S.I. 2015/239, arts. 2-19)

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