



Historic Environment Scotland Act 2014

2014 asp 19

PART 1

HISTORIC ENVIRONMENT SCOTLAND

Functions in relation to property

3 Delegation of functions in relation to properties in care

- (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 properties in care to—
 - (a) Historic Environment Scotland,
 - (b) any prescribed person Ministers consider appropriate.
- (2) Subsection (1) does not apply to any function of making, confirming or approving subordinate legislation.
- (3) 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.
- (4) A delegation under subsection (1) may be made in relation to a particular property in care, a group of properties in care or all properties in care.
- (5) 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.
- (6) 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.
- (7) Delegations under subsection (1)—
 - (a) must be in writing,
 - (b) may be varied or revoked at any time.
- (8) The Scottish Ministers must publish delegations under subsection (1).

(9) In this section—

“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,

“property in care” has the meaning given by section 4.

4 Properties in care

(1) The Scottish Ministers must compile and maintain a list of properties in care in relation to which they may delegate functions under section 3(1).

(2) The Scottish Ministers may modify the list compiled and maintained under subsection (1) by—

- (a) including a property in the list,
- (b) removing a property from the list.

(3) The Scottish Ministers must publish the list compiled and maintained under subsection (1).

(4) In this section “property in care” means—

- (a) any heritable property which is of historical, archaeological, architectural or cultural significance or interest, and
- (b) which is owned or occupied by, under the guardianship of, or otherwise under the management and control of the Scottish Ministers.

5 Power of entry to investigate the historic environment

(1) A person authorised in writing by Historic Environment Scotland may at any reasonable time enter any land for the purpose of inspecting the land (including any building or other structure on the land) with a view to identifying and recording any matters of historical, archaeological, architectural or cultural significance or interest.

(2) But an authorised person may not enter—

- (a) any land which is occupied unless at least 14 days’ notice of the intended entry has been given to the occupier,
- (b) any building or part of a building occupied as a dwelling house without the consent of the occupier.

(3) An authorised person may, on entering any land, take with the person—

- (a) any other person the authorised person considers appropriate, and
- (b) any equipment or materials required for any purpose for which the power of entry is being exercised.

(4) A person seeking to enter any land in exercise of the power of entry under this section must, if so required by or on behalf of the owner or occupier of the land, produce evidence of the person’s authority before entering.

(5) A person commits an offence if the person without reasonable excuse intentionally obstructs a person exercising the power of entry under this section.

Status: This is the original version (as it was originally enacted).

- (6) A person who commits an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.