

SCHEDULE 2
FUNCTIONS OF HISTORIC ENVIRONMENT SCOTLAND
IN RELATION TO SCHEDULED MONUMENTS

PART 3

SCHEDULED MONUMENT ENFORCEMENT NOTICES

22 After section 9F (effect of scheduled monument consent on scheduled monument enforcement notice) insert—

“9FA Enforcement by the Scottish Ministers

- (1) If it appears to the Scottish Ministers that it is expedient that a scheduled monument enforcement notice should be served in respect of any monument or land in, on or under which there is a scheduled monument, they may serve such a notice under section 9A.
- (2) A scheduled monument enforcement notice served by the Scottish Ministers has the same effect as if it had been served by Historic Environment Scotland.
- (3) The Scottish Ministers must not serve such a notice without consulting Historic Environment Scotland.
- (4) The provisions of this Act relating to scheduled monument enforcement notices apply, so far as relevant, to a scheduled monument enforcement notice served by the Scottish Ministers as they apply to a scheduled monument enforcement notice served by Historic Environment Scotland, but with the substitution for any reference to Historic Environment Scotland of a reference to the Scottish Ministers, and any other necessary modifications.”.