

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

PART 7

OTHER MATTERS IN RELATION TO SCHEDULED MONUMENTS

Interdict

40 In section 90 (interdicts restraining unauthorised works on scheduled monuments)

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- (a) in subsection (1)—
 - (i) for “they have exercised or propose to exercise any of their” substitute “ Historic Environment Scotland has exercised or proposes to exercise any of its ”,
 - (ii) for “the Scottish Ministers” substitute “ it ”,
 - (b) after that subsection insert—

“(1A) Whether or not the Scottish Ministers have exercised or propose to exercise any of their powers under this Act, they may seek to restrain or prevent any actual or apprehended breach of any of the controls provided by or under this Act on the execution of works affecting scheduled monuments by means of an application for interdict.”,
 - (c) in subsection (2) for “subsection (1)” substitute “ subsection (1) or (1A) ”.

Commencement Information

- I1** Sch. 2 para. 40 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, Sch.
- I2** Sch. 2 para. 40 in force at 1.10.2015 in so far as not already in force by S.S.I. 2015/196, art. 2, Sch. (with transitional provisions and savings in S.S.I. 2015/239, arts. 2-19)

Changes to legislation:

There are currently no known outstanding effects for the Historic Environment Scotland Act 2014, Paragraph 40.