



# 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).

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*Status: This is the original version (as it was originally enacted).*

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(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.