Historic Environment Scotland Act 2014

2014 asp 19

PART 1

HISTORIC ENVIRONMENT SCOTLAND

Functions in relation to collections and objects

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.