



Historic Environment Scotland Act 2014

2014 asp 19

PART 6

FURTHER MODIFICATIONS IN RELATION TO THE HISTORIC ENVIRONMENT

Grants and loans

20 Grants and loans by the Scottish Ministers

- (1) The [Historic Buildings and Ancient Monuments Act 1953 \(c.49\)](#) is amended as follows.
- (2) In section 4 (grants for preservation of historic buildings etc.)—
 - (a) in subsection (1) “outstanding” in each place is repealed,
 - (b) after that subsection insert—

“(1A) The power conferred by subsection (1) to make grants for the purposes mentioned includes power to make loans for those purposes.”,
 - (c) in subsection (3) after “grant” in both places insert “or loan”,
 - (d) after subsection (4) insert—

“(5) A grant or loan made under this section is to be made on such terms and conditions (including as to repayment and, in the case of a loan, payment of interest) as the Scottish Ministers may determine.”,
 - (e) the title to the section becomes “**Grants and loans for preservation of historic buildings etc.**”.
- (3) In the 1979 Act, in section 45A (grants and loans for the development and understanding of matters of historic etc. interest) subsection (3) is repealed.

Scheduled monuments

21 Local inquiries in relation to scheduled monuments etc.

- (1) The 1979 Act is amended as follows.

(2) After section 23 (annual reports of Ancient Monuments Boards) insert—

“Local inquiries

23A Local inquiries

- (1) The Scottish Ministers may hold a local inquiry for the purposes of the exercise of any of their functions under this Part of this Act.
- (2) The Scottish Ministers must appoint a person to hold the inquiry and to report on it to them.
- (3) Subsections (4) to (13) of section 265 of the [Town and Country Planning \(Scotland\) Act 1997 \(c.8\)](#) apply to an inquiry held by virtue of subsection (1) as they apply to an inquiry held by virtue of subsection (1) of that section.

23B Local inquiries: further provision

- (1) The Scottish Ministers may by regulations make provision as to the procedure to be followed in connection with inquiries or hearings conducted under or by virtue of this Act.
- (2) Regulations under subsection (1) may in particular make provision—
 - (a) about the notification of an inquiry or hearing,
 - (b) about the manner in which an inquiry or hearing is to be conducted,
 - (c) as to procedure in connection with matters preparatory to such inquiries or hearings and in connection with matters subsequent to them.”.

Listed buildings

22 Meaning of “listed building”

- (1) The 1997 Act is amended as follows.
- (2) In section 1 (listing of buildings of special architectural or historic interest)—
 - (a) in subsection (4) after “shall” insert “, subject to subsection (4A),”,
 - (b) after that subsection insert—

“(4A) In a list compiled or approved under this section, an entry for a building may provide—

 - (a) that an object or structure mentioned in subsection (4)(a) or (b) is not to be treated as part of the building for the purposes of this Act,
 - (b) that any part or feature of the building is not of special architectural or historic interest.”.

23 Applications for listed building consent

- (1) The 1997 Act is amended as follows.

- (2) In section 12 (duty to notify Scottish Ministers of applications)—
- (a) in subsection (1) after “shall” insert “, where subsection (1A) applies,”,
 - (b) after that subsection insert—
 - “(1A) This subsection applies where—
 - (a) regulations, or
 - (b) directions given to planning authorities by the Scottish Ministers,provide that the application must be so notified.
 - (1B) Directions under subsection (1A)(b) may be given to—
 - (a) planning authorities generally,
 - (b) a particular planning authority, or
 - (c) a description of planning authority.”.
- (3) In section 13 (directions concerning notification of applications etc.)—
- (a) subsections (1) and (2) are repealed,
 - (b) in subsection (4) “(1) or” is repealed.
- (4) In section 14 (decision on application for listed building consent) after subsection (2) insert—
- “(2A) A planning authority, if minded to grant listed building consent for any works—
 - (a) must consider imposing a condition specified in, or of a nature indicated in, directions given to them by the Scottish Ministers, and
 - (b) must not grant such consent without first satisfying the Scottish Ministers that such consideration has been given and that such a condition either will be imposed or is not needed.”.

Conservation areas

24 Control of demolition

- (1) The 1997 Act is amended as follows.
- (2) In section 66 (control of demolition in conservation areas) in subsection (2) for paragraphs (a) and (b) substitute—
- “(a) the planning authority, or
 - (b) the Scottish Ministers.”.