

## **POLICY NOTE**

### **THE ASSET TRANSFER REQUEST (DESIGNATION OF RELEVANT AUTHORITY) (SCOTLAND) ORDER 2017**

**SSI 2017/xxx**

The above instrument was made in exercise of the powers conferred by section 78(3) of the Community Empowerment (Scotland) Act 2015. The instrument is subject to affirmative procedure.

#### **Policy Objectives**

Under section 79 of the Community Empowerment (Scotland) Act 2015 (“the Act”), an asset transfer request may be made by a community transfer body for any land owned or leased by a “relevant authority”. Schedule 3 of the Act lists a range of public bodies as relevant authorities, including the Scottish Ministers. Scottish Ministers may by Order modify that schedule, or designate new relevant authorities.

This order designates Historic Environment Scotland (HES) as a relevant authority, so that asset transfer requests can be made for land (including buildings) which it owns or leases.

HES is an NDPB created by the Historic Environment Scotland Act 2014 in order to undertake functions of its predecessors, Historic Scotland, which was an Executive Agency of the Scottish Ministers, and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS). It came into being on 1 October 2015.

Responsibility for the functions of the Scottish Ministers with regard to the Properties in their Care, as defined in section 4 of the Historic Environment Scotland Act 2014, have been delegated to HES under section 3 of that Act. Properties in Care may be owned by the Scottish Ministers or by private individuals or charities, whereas HES separately owns or leases ancillary land around some sites, which does not form part of the Properties in Care, for purposes such as access, parking and visitor services, or to protect the setting of the property. It also owns offices, workshops etc not connected with Properties in Care. Previously, such land was held in the name of the Scottish Ministers, but was transferred when HES was created. Designating HES as a relevant authority will bring this land back within the scope of asset transfer. This may be of interest to community bodies who want to take on or contribute to the management and promotion of historic sites.

#### **Consultation**

There has been no consultation on this designation, as it restores the situation that was in place when the Act was passed.

#### **Impact Assessments**

This designation has no impact on issues for which impact assessments are required.

#### **Financial Effects**

The Minister for Local Government and Housing confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business. HES would be involved in advising the Scottish Ministers on asset transfer requests in relation to the property it manages on their behalf . Adding its own property will not have any additional effects.

Scottish Government  
Local Government and Communities Directorate

8 November 2016