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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 372 (C. 35)**

**ANCIENT MONUMENTS  
TOWN AND COUNTRY PLANNING**

**The Historic Environment (Amendment) (Scotland)  
Act 2011 (Commencement No. 2) Order 2011**

<i>Made</i>	- - - -	<i>27th October 2011</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>31st October 2011</i>
<i>Coming into force</i>	- -	<i>1st December 2011</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 33(2) and (3) of the Historic Environment (Amendment) (Scotland) Act 2011<sup>(1)</sup>.

**Citation and commencement**

1. This Order may be cited as the Historic Environment (Amendment) (Scotland) Act 2011 (Commencement No. 2) Order 2011 and comes into force on 1st December 2011.

**Appointed day**

2. The day appointed for the coming into force of the provisions (to the extent not already in force) of the Historic Environment (Amendment) (Scotland) Act 2011 specified in column 1 of the Schedule (the subject matter of which is described in column 2 of the Schedule) is 1st December 2011.

St Andrew's House, Edinburgh  
27th October 2011

*FIONA HYSLOP*  
A member of the Scottish Executive

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 2	Control of works affecting scheduled monuments
Section 3	Offences under sections 2, 28 and 42: modification of defences
Section 4	Fines: increases and duty of court in determining amount
Section 6	Works affecting scheduled monuments: enforcement
Section 10	Power of entry on land where monument at risk
Section 14	Meaning of “monument” in the 1979 Act
Section 15	Scheduled monument consent: applications, etc.
Section 16	Refusal to entertain certain applications for scheduled monument consent
Section 17	Application for scheduled monument consent: inquiries and hearings
Section 18	Certificate that building not intended to be listed
Section 19	Offences in relation to unauthorised works and listed building consent: increase in fines
Section 20	Declining to determine an application for listed building consent
Section 21	Hearings in connection with applications for listed building consent and appeals
Section 22	Enforcement notice: requirements to cease works
Section 23	Stop notices and temporary stop notices

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<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of the Act</i>	<i>Subject Matter</i>
Section 24	Non-compliance with listed building enforcement notice: fixed penalty notice
Section 25	Urgent works to preserve unoccupied listed buildings
Section 26	Liability of owner and successors for expenses of urgent works
Section 28	Provisions that do not bind the Crown

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Order brings into force on 1st December 2011 for all purposes sections 2, 3, 4, 6, 10, 14 to 26 and 28 of the Historic Environment (Amendment) (Scotland) Act 2011.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by a commencement order made before the date of this Order.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Sections 1, 5, 7, 8, 9, 11, 12, 13, 27, 29(1) and 30 (for all purposes) and sections 6, 15, 20, 23, 24 and 26 (only for the purpose of enabling regulations to be made)	30th June 2011	<a href="#">S.S.I. 2011/174</a>

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