
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 231

**The Scheduled Monuments (Appeals)
(Scotland) Regulations 2015**

PART 4

Appeals under sections 9C of the Act

Statement of appeal

15.—(1) The appellant must at the same time as giving notice of appeal to the Scottish Ministers under section 9C(2A) of the Act submit a statement (“statement of appeal”) on a form obtained from the Scottish Ministers.

(2) The statement of appeal, in addition to specifying the grounds of appeal as required by section 9C(3A)(a) of the Act is to give the information specified in paragraph (3).

(3) The information is—

- (a) all matters which the appellant intends to raise in the appeal;
- (b) the name and address of the appellant;
- (c) a copy of the scheduled monument enforcement notice against which the appeal is made;
- (d) the name and address of the representative of the appellant (if any) and whether any notice or other correspondence which is required by these Regulations to be sent to the appellant should be sent to the representative instead of the appellant; and
- (e) a note of the matters which the appellant considers require determination and by what, if any, procedure (or combination of procedures) mentioned in regulation 10(4) the appellant considers the appeal should be determined.

(4) The statement of appeal is to be accompanied by copies of all documents, materials and evidence which the appellant intends to rely on in the appeal.

(5) In addition to matters set out in the statement of appeal and the documents accompanying the statement of appeal, the appellant may raise matters only in accordance with and to the extent permitted by regulations 12 and 16, the Hearing Session Rules and the Inquiry Session Rules.

(6) The following provisions apply in relation to appeals under section 9C of the Act—

- (a) this Part and Parts 1, 3 and 7 (other than regulation 23); and
- (b) the Hearing Session Rules and the Inquiry Session Rules.

Intimation of appeal to Historic Environment Scotland

16.—(1) The appellant must at the same time as giving the notice of appeal to the Scottish Ministers send to Historic Environment Scotland a copy of—

- (a) the notice of appeal;
- (b) the statement of appeal; and

- (c) all documents, materials and evidence which the appellant intends to rely on in the appeal and which accompanied the notice of appeal in accordance with regulation 15(4).
- (2) Historic Environment Scotland must, not later than 21 days beginning with the date of receipt of notification of an appeal under paragraph (1), send to the Scottish Ministers and the appellant—
- (a) a statement (“Historic Environment Scotland’s response”) incorporating a response to each ground of appeal and stating the matters which Historic Environment Scotland consider require determination and by what, if any, procedure (or combination of procedures) mentioned in regulation 10(4) Historic Environment Scotland wish the appeal to be conducted; and
 - (b) copies of documents which were before Historic Environment Scotland and which were taken into account in reaching its decision to issue the notice which is the subject of the appeal.
- (3) The appellant may, within 14 days beginning with the date of receipt of Historic Environment Scotland’s response, send to the Scottish Ministers and Historic Environment Scotland comments on any matters raised in Historic Environment Scotland’s response.
- (4) Historic Environment Scotland must until such time as the appeal is determined make copies of—
- (a) the notice of appeal;
 - (b) Historic Environment Scotland’s response and any comments made under paragraph (3); and
 - (c) documents which accompanied the notice of appeal or which were sent with the planning authority’s response,
- available for inspection at an office of Historic Environment Scotland and to afford any interested party who so requests an opportunity to inspect and, where practicable, to take copies of any such documents (or any part thereof).

Notification to other parties

- 17.—**(1) Historic Environment Scotland must not later than 14 days following notification of the appeal under regulation 15 give notice of the appeal to each person (other than the appellant) on whom the scheduled monument enforcement notice was served.
- (2) Notice under paragraph (1) is to—
- (a) state the name of the appellant and the address of the land to which the appeal relates;
 - (b) describe the steps required by the notice to which the appeal relates;
 - (c) state that representations may be made to the Scottish Ministers and provide information as to how and by when such representations may be made;
 - (d) state where a copy of the notice of appeal and Historic Environment Scotland’s response may be inspected.
- (3) The period allowed for making representations is to be no less than 14 days from the date on which notice is given under paragraph (1).