SCOTTISH STATUTORY INSTRUMENTS

2015 No. 232

ANCIENT MONUMENTS

The Scheduled Monuments (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2015

Made - - - -	*2nd June 2015*
Laid before the Scottish Parliament	*4th June 2015*
Coming into force - -	*1st October 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 1 of Schedule 1A to the Ancient Monuments and Archaeological Areas Act 1979(**a**) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Scheduled Monuments (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2015 and come into force on 1st October 2015.

(2) In these Regulations "the Act" means the Ancient Monuments and Archaeological Areas Act 1979.

Classes of appeal for determination by appointed persons

2. Subject to regulation 3, the classes of appeal prescribed for the purposes of paragraph 1(1) of Schedule 1A to the Act (determination of certain appeals by person appointed by the Scottish Ministers) are appeals under—

(a) section 1C of the Act (appeal against inclusion etc. in schedule of monuments)(**b**);

(b) section 4B(2) of the Act (appeal against refusal of, or conditional consent to, applications for scheduled monument consent or against refusal of approval required by a condition)(**c**);

(c) section 4B(3) of the Act (appeal in default of decision on application for scheduled monument consent or for approval required by a condition); and

(d) section 9C of the Act (appeal against scheduled monument enforcement notice)(**d**).

(**a**) 1979 c.46. Schedule 1A was inserted by paragraph 34 of schedule 2 to the Historic Environment Scotland Act 2014 (asp 19) ("the 2014 Act"). Section 61(1) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made.

(**b**) Section 1C was inserted by paragraph 32 of schedule 2 to the 2014 Act.

(**c**) Section 4B was inserted by paragraph 33 of schedule 2 to the 2014 Act.

(**d**) Section 9C was inserted by section 6(1) of the Historic Environment Amendment (Scotland) Act 2011 (asp 3) and is amended by paragraph 19 of schedule 2 to the 2014 Act.

Classes of appeal reserved for determination by the Scottish Ministers

3. The classes of appeal prescribed for the purposes of paragraph 1(2)(a) of Schedule 1A to the Act (appeals which are not to be determined by a person appointed by the Scottish Ministers) are appeals under sections 4B and 9C of the Act by persons who are, or are deemed to be, statutory undertakers for the purposes of the Act.

Publicity for directions

4.—(1) As soon as may be after making a direction under paragraph 1(2)(b) of Schedule 1A to the Act the Scottish Ministers are to send a copy of the direction to Historic Environment Scotland(**a**).

(2) Historic Environment Scotland must as soon as may be after receipt of the copy direction publish a notice in at least one national newspaper—

(a) containing a concise statement of the effect of the direction; and

(b) specifying how a copy of the direction may be inspected.

FIONA HYSLOP
A member of the Scottish Government

St Andrew's House,
Edinburgh
2nd June 2015

(**a**) Historic Environment Scotland was established by section 1 of the Historic Environment Scotland Act 2014 (asp 19).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the classes of appeal which are to be determined by persons appointed for the purpose by the Scottish Ministers instead of being determined by the Scottish Ministers. Regulation 3 prescribes certain classes of appeal within those prescribed under regulation 2 which are to continue to be determined by the Scottish Ministers. Regulation 4 provides for publication by Historic Environment Scotland of any direction made by the Scottish Ministers specifying classes of case within the prescribed classes which are to be determined by the Scottish Ministers.

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