

SCHEDULE 2
FUNCTIONS OF HISTORIC ENVIRONMENT SCOTLAND
IN RELATION TO SCHEDULED MONUMENTS

PART 4

SCHEDULED MONUMENTS: STOP NOTICES

- 23 The 1979 Act is further amended as follows.
- 24 In section 9G (stop notices)—
- (a) in subsection (1) for “the Scottish Ministers consider” substitute “Historic Environment Scotland considers”,
 - (b) in subsection (2)—
 - (i) for “The Scottish Ministers” substitute “Historic Environment Scotland”,
 - (ii) for “they serve” substitute “it serves”,
 - (c) in subsection (3) for “the Scottish Ministers require” substitute “Historic Environment Scotland requires”,
 - (d) in subsection (5)(a) for “the Scottish Ministers consider” substitute “Historic Environment Scotland considers”,
 - (e) in subsection (6)—
 - (i) for “the Scottish Ministers” substitute “Historic Environment Scotland”,
 - (ii) for “them” substitute “it”,
 - (f) in subsection (7)—
 - (i) for “The Scottish Ministers” substitute “Historic Environment Scotland”,
 - (ii) for “their” substitute “its”.
- 25 In section 9H (stop notices: supplementary provisions)—
- (a) in subsection (3) for “the Scottish Ministers” substitute “Historic Environment Scotland”,
 - (b) in subsection (4) for “the Scottish Ministers” substitute “Historic Environment Scotland”.
- 26 After that section insert—

“9HA Power of the Scottish Ministers to serve stop notice

- (1) If it appears to the Scottish Ministers that it is expedient that a stop notice should be served in respect of any monument or land in, on or under which there is a scheduled monument, they may serve such a notice under section 9G.
- (2) A stop notice served by the Scottish Ministers has the same effect as if it had been served by Historic Environment Scotland.
- (3) The Scottish Ministers must not serve such a notice without consulting Historic Environment Scotland.

- (4) The provisions of this Act relating to stop notices apply, so far as relevant, to a stop notice served by the Scottish Ministers as they apply to a stop notice served by Historic Environment Scotland, but with the substitution for any reference to Historic Environment Scotland of a reference to the Scottish Ministers, and any other necessary modifications.”.
- 27 In section 9I (compensation for loss due to stop notice)—
- (a) in subsection (1) for “the Scottish Ministers” substitute “Historic Environment Scotland”,
 - (b) in subsection (3)(c)—
 - (i) for “the Scottish Ministers” substitute “Historic Environment Scotland”,
 - (ii) for “them” substitute “it”,
 - (c) in subsection (5)(b) for “the Scottish Ministers” substitute “Historic Environment Scotland”.
- 28 In section 9K (temporary stop notices)—
- (a) in subsection (1)—
 - (i) for “the Scottish Ministers” substitute “Historic Environment Scotland”,
 - (ii) for “they may, if they consider” substitute “it may, if it considers”,
 - (b) in subsection (2)(c) for “the Scottish Ministers” substitute “Historic Environment Scotland’s”,
 - (c) in subsection (3) for “the Scottish Ministers” in both places substitute “Historic Environment Scotland”,
 - (d) in subsection (4) for “The Scottish Ministers” substitute “Historic Environment Scotland”,
 - (e) in subsection (8) for “the Scottish Ministers” substitute “Historic Environment Scotland”.
- 29 In section 9L(1) (temporary stop notices: restrictions) for “the Scottish Ministers have” substitute “Historic Environment Scotland has”.
- 30 In section 9N (temporary stop notices: compensation)—
- (a) in subsection (1) for “the Scottish Ministers” substitute “Historic Environment Scotland”,
 - (b) in subsection (2)(b) for “the Scottish Ministers withdraw” substitute “Historic Environment Scotland withdraws”.