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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 377**

**The Historic Environment (Amendment) (Scotland) Act 2011  
(Saving, Transitional and Consequential Provisions) Order 2011**

**Offences under sections 2, 28 and 42 of the 1979 Act: modification of defences**

**2.** Notwithstanding the commencement of section 3 (offences under sections 2, 28 and 42: modification of defences) of the Act on 1st December 2011—

- (a) section 2(8) of the 1979 Act continues to have effect as it did immediately before that date in relation to any proceedings for an offence under section 2 (control of works affecting scheduled monuments) of the 1979 Act relating to works within section 2(2)(a) or (c) of the 1979 Act executed, or caused or permitted to be executed, before that date;
- (b) section 28(1) (offence of damaging certain ancient monuments) of the 1979 Act continues to have effect as it did immediately before that date in relation to any damage or destruction of a protected monument (within the meaning of section 28 of the 1979 Act) before that date; and
- (c) section 42 (restrictions on use of metal detectors) of the 1979 Act continues to have effect as it did immediately before that date in relation to an act specified in section 42(1) or (3) of the 1979 Act occurring before that date.