
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 231

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

PART 1

Preliminary

Citation, commencement and application

1.—(1) These Regulations may be cited as the Scheduled Monuments (Appeals) (Scotland) Regulations 2015 and come into force on 1st October 2015.

(2) These Regulations, other than Parts 4 to 6, apply to appeals under—

(a) 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); and

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

(3) These Regulations apply in accordance with regulation 15(6) to appeals under section 9C of the Act (appeal against scheduled monument enforcement notice) made in respect of a scheduled monument enforcement notice served on or after 1st October 2015.

(4) These Regulations apply in accordance with regulation 18(4) to appeals under section 1C of the Act (appeal against inclusion etc. in schedule of monuments).

(5) These Regulations apply in accordance with regulation 19 to applications referred to the Scottish Ministers following a direction under section 3B(1) of the Act (referral of certain applications to the Scottish Ministers).

Interpretation

2. In these Regulations—

“the Act” means the Ancient Monuments and Archaeological Areas Act 1979;

“appellant” means the person making an appeal under section 1C, 4B or 9C of the Act, as the case may be;

“application” means, in the case of an appeal, the application to which the appeal relates;

“appointed person” subject to regulations 19 and 20, means a person appointed under paragraph 1 of Schedule 1A to the Act (determination of certain appeals by person appointed by the Scottish Ministers) to determine an appeal instead of the Scottish Ministers;

“decision notice” means the notice given by Historic Environment Scotland under paragraph 3(4) of Schedule 1 to the Act (applications for scheduled monument consent) of the decision on the application to which the appeal relates;

“hearing session” means a hearing held or to be held into matters specified in a procedure notice given under rule 1(1) of the Hearing Session Rules;

“Hearing Session Rules” means the rules set out in Schedule 1;

“Historic Environment Scotland’s response” has the meaning given in regulation 5(2)(a) or 16(2)(a), as the case may be;

“inquiry session” means a local inquiry held or to be held under—

- (a) section 23A of the Act (local inquiries); or
- (b) paragraph 6 of Schedule 1A to the Act (determination of certain appeals by person appointed by the Scottish Ministers),

into matters specified in a procedure notice given under rule 1(1) of the Inquiry Session Rules;

“Inquiry Session Rules” means the rules set out in Schedule 2;

“interested party” means—

- (a) in the case of an appeal under section 1C of the Act any person (other than the appellant) who is the owner, tenant or occupier of the monument to which the appeal relates;
- (b) in the case of an appeal under section 4B of the Act any person from whom Historic Environment Scotland received representations (which were not subsequently withdrawn) in connection with the application;
- (c) in the case of an appeal under section 9C of the Act any person given notice of the appeal in accordance with regulation 17(1) and from whom representations were received (and not subsequently withdrawn); and
- (d) in the case of an application referred to the Scottish Ministers following a direction under section 3B of the Act, any person from whom Historic Environment Scotland received representations (which were not subsequently withdrawn) in connection with the application;

“person” includes authorities and other bodies;

“procedure notice” means a notice given (whether separately or in combination) under regulation 12(1), rule 1(1) of the Hearing Session Rules or rule 1(1) of the Inquiry Session Rules;

“rule” means a rule set out in Schedule 1 or 2 to these Regulations; and

“specified matters” are in relation to a particular hearing session or inquiry session, those matters which are set out in the procedure notice.