Historic Environment (Amendment) (Scotland) Bill (SP Bill 43)

Bill Number:  SP Bill 43
Introduced on:  4 May 2010
Introduced by:  Fiona Hyslop (Executive Bill)
Passed:  20 January 2011
Royal Assent:  23 February 2011

2011 asp 3

Passage of the Bill

The Historic Environment (Amendment) (Scotland) Bill (SP Bill 43) was introduced in the Parliament on 4 May 2010. Stage 1 commended on 8 June with the Education, Lifelong Learning and Culture Committee as the lead committee. The Subordinate Legislation and Finance Committees also considered the Bill. The Stage 1 (general principles) debate took place on 4 November 2010 and the Bill was passed, without amendment at Stage 3, on 20 January 2011.

Purpose and objectives of the Bill

The Historic Environment (Amendment) (Scotland) Bill sought to amend three pieces of current legislation: the Historic Buildings and Ancient Monuments Act 1953 (c.49); the Ancient Monuments and Archaeological Areas Act 1979 (c.46) and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c.9).

The Scottish Government saw the Bill as a means to address specific gaps and weaknesses in the existing heritage legislation framework which were identified during discussions with stakeholders. Scottish Ministers believed the provisions in the Bill would improve the ability of the regulatory authorities to work with partners (e.g. local authorities and charities) to manage Scotland’s unique historic legacy for the benefit of future generations.
The Government also wanted the Bill to be read in the context of Scottish Ministers’ broader ambitions for how Historic Scotland should develop: to become more flexible, more open, more accessible and more outward looking.

Provisions of the Bill

The Bill sought to extend the operation of enforcement notices and stop notices, which have been a feature of the Scottish town and country planning systems for decades, and temporary stop notices which were introduced by the Planning etc. (Scotland) Act 2006 to the scheduled monument system, and to introduce listed building stop notices and temporary stop notices.

The Bill also sought to create a new duty for Scottish Ministers to compile and maintain two new statutory inventories, one for battlefields and one for gardens and designed landscapes.

Parliamentary consideration

The Scottish Government Minister in charge of the Bill submitted a number of technical amendments at stage 2 including amendments to address the concerns raised in the Subordinate Legislation Committee’s stage 1 report. The Committee had drawn the Parliament’s attention to the proposed use of delegated powers in subsections 15(2) and 15(3).