Historic Environment (Amendment) (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated during Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

**Powers of entry**
1, 2, 3, 4, 9, 11, 12, 13

**Powers in relation to scheduled monument consent applications**
5, 6, 7, 8

**Application of stop and temporary stop notices to buildings in conservation areas**
10

**Preservation of unoccupied buildings: urgent works**
14

**Scottish Ministers’ duty to give guidance**
15

**Planning authorities’ duties in relation to knowledge and expertise**
16
Amendments in debating order

Powers of entry

Fiona Hyslop

1 In section 6, page 9, line 20, leave out second <section> and insert <in sections 6 and>

Fiona Hyslop

2 In section 6, page 13, line 24, at end insert—

<(  ) for the purposes of displaying—
  (i) a site notice,
  (ii) a notice under section 9G(7) in place of a site notice, or
  (iii) a copy of a temporary stop notice, and a statement as to the effect
       of section 9M, under section 9K(4),>

Fiona Hyslop

3 In section 6, page 13, leave out line 27

Fiona Hyslop

4 In section 6, page 13, line 36, at end insert—

<“site notice” has the meaning given in section 9H(3);”,>

Fiona Hyslop

9 In section 23, page 24, line 23, leave out <section 41E> and insert <in sections 41E and 76>

Fiona Hyslop

11 In section 23, page 29, line 3, at end insert—

<(  ) for the purposes of displaying—
  (i) a site notice,
  (ii) a notice under section 41A(7) in place of a site notice, or
  (iii) a copy of a temporary stop notice, and a statement as to the effect
       of section 41H, under section 41F(4),>

Fiona Hyslop

12 In section 23, page 29, leave out line 6

Fiona Hyslop

13 In section 23, page 29, line 9, at end insert—

<“site notice” has the meaning given in section 41B(4),>
Powers in relation to scheduled monument consent applications

Fiona Hyslop
5 In section 15, page 18, line 21, leave out from <by> to <entertained> in line 22 and insert <refuse to entertain an application for scheduled monument consent>

Fiona Hyslop
6 In section 15, page 18, leave out line 25 and insert—
   <(2) The Scottish Ministers may by regulations—>

Fiona Hyslop
7 In section 15, page 19, line 4, at beginning insert—
   <(2A) Regulations under sub-paragraph (2) may>

Fiona Hyslop
8 In section 15, page 19, line 5, leave out from <“of”> to end of line 6 and insert <“paragraph” insert “or regulations made under it”.

Application of stop and temporary stop notices to buildings in conservation areas

Fiona Hyslop
10 In section 23, page 28, line 39, at end insert—
   <(  ) In subsection (3) of section 66 of that Act (control of demolition in conservation areas), for “41” substitute “41I”.

Preservation of unoccupied buildings: urgent works

Karen Whitefield
14 After section 24, insert—
   <Urgent preservation

   Urgent works to preserve unoccupied listed buildings
   In section 49 (urgent works to preserve unoccupied listed buildings) of the 1997 Act, in subsection (3), at the end add “and preventative works necessary to limit any deterioration of the building”.

Scottish Ministers’ duty to give guidance

Ken Macintosh
15 After section 29, insert—
Duty on the Scottish Ministers to give guidance to public bodies

(1) The Scottish Ministers must give guidance to relevant bodies on how such bodies, in exercising their functions, can contribute to the preservation of the historic environment.

(2) In exercising its functions, a relevant body must have regard to guidance given under subsection (1).

(3) Before giving guidance under subsection (1), the Scottish Ministers must consult, in so far as reasonably practicable, with such persons as the Scottish Ministers consider appropriate.

(4) The Scottish Ministers may vary or revoke guidance given under this section and, where guidance is varied to a substantial extent, subsection (3) applies.

(5) The Scottish Ministers must publish any guidance given under this section.

(6) In this Part, “relevant body” means such public body as may be specified by the Scottish Ministers by order made by statutory instrument.

(7) A statutory instrument containing an order made under subsection (6) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

Planning authorities’ duties in relation to knowledge and expertise

Ken Macintosh

16 After section 29, insert—

Duty on planning authorities in relation to knowledge, etc. on the historic environment

(1) A planning authority must, in exercising its functions, have regard to the desirability of securing access to relevant knowledge and expertise on the preservation of the historic environment.

(2) In this Part, “planning authority” is to be construed in accordance with the Town and Country Planning (Scotland) Act 1997 (c.8).