



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART I

ANCIENT MONUMENTS

Protection of scheduled monuments

[^{F1}3B Referral of certain applications to the Scottish Ministers

- (1) The Scottish Ministers may give directions requiring applications for—
 - (a) scheduled monument consent,
 - (b) variation or discharge of conditions to which scheduled monument consent is subject,
 - (c) subsequent approval required by a condition to which scheduled monument consent is subject,to be referred to them instead of being dealt with by Historic Environment Scotland.
- (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.
- (3) A direction under this section may be withdrawn or modified by a subsequent direction.
- (4) An application in respect of which a direction under this section has effect is to be referred to the Scottish Ministers accordingly.
- (5) In determining an application under this section, the Scottish Ministers may deal with the application as if it had been made to them in the first instance.
- (6) Except as provided for by section 55, the decision of the Scottish Ministers on any application referred to them under this section is final.

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, Section 3B is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(7) The reference in subsection (1)(c) to scheduled monument consent includes a reference to consent granted by order under section 3.]

Textual Amendments

F1 Ss. 3B, 3C inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 2 para. 35](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3A) inserted by [2023 asc 3 Sch. 13 para. 20\(b\)](#)
- s. 1AA-1AE omitted by [2023 asc 3 Sch. 13 para. 21](#)
- s. 7(4A) inserted by [2016 anaw 4 s. 10\(2\)](#)
- s. 33(1A) inserted by [2023 asc 3 Sch. 13 para. 35\(a\)](#)