

SCHEME OF DELEGATION BY SCOTTISH MINISTERS TO HISTORIC ENVIRONMENT SCOTLAND – PROPERTIES IN CARE

In this scheme of delegation (“the scheme”):

“**Ministers**” means the Scottish Ministers;

“**HES**” means Historic Environment Scotland, a Non-Departmental Public Body established by the Historic Environment Scotland Act 2014

“**the 2014 Act**” means the Historic Environment Scotland Act 2014

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

“**property in care**” means any heritable property which is of historical, archaeological, architectural or cultural significance or interest and;

which is owned or occupied by, under the guardianship of, or otherwise under the management and control of the Scottish Ministers; and

which is included by Ministers in the list of properties in care compiled and maintained under Section 4 of the 2014 Act;

“**the delegated functions**” means those functions delegated to HES by Ministers as specified in part 2 of the scheme;

“**disposal**” includes by way of gift, sale, exchange or lease

1 Introduction

- 1.1 The scheme is made by the Scottish Ministers under section 3 of the Historic Environment Scotland Act 2014. It provides for the delegation of those functions of Ministers to Historic Environment Scotland as set out in part 2 of this document relating to properties in care listed in Annex A.
- 1.2 The delegation is subject to the terms, conditions and limitations set out in this scheme.
- 1.3 A separate scheme covers the collections associated with the properties in care.

2 Functions

- 2.1 The Scottish Ministers delegate to HES the following functions:
 - 2.1.1 Their general functions of managing the properties in care including ensuring their conservation, articulating and safeguarding their cultural significance, providing public access for current and future generations, and managing the associated commercial operations; and
 - 2.1.2 the functions of the Scottish Ministers under sections 13, 15(3) to (4), 19 (other than subsections (3) and (4)) and 20 of the 1979 Act.
- 2.2 For the avoidance of doubt the delegated functions do not include the alienation of or disposal of any property in care (including any right or interest in such property) or part thereof without the consent of the Scottish Ministers.

3 Conditions

Strategic Priorities

- 3.1 HES must have regard to Ministers' strategic priorities in the exercise of the delegated functions.
- 3.2 In particular, in exercising these functions HES shall:
 - 3.2.1 provide public benefit;
 - 3.2.2 make a contribution to the delivery of the priorities set out in *Our Place in Time* and by the Strategic Historic Environment Forum¹;
 - 3.2.3 make a contribution to the delivery of the Scottish Government's National Performance Framework²; and
 - 3.2.4 make a contribution to the delivery of any other relevant Scottish Government Strategies including the Government Economic Strategy³ and the Tourism Development Framework for Scotland⁴.

Standards of service

- 3.3 The delegated functions must be exercised in a manner that is transparent, accountable and effective, and that demonstrates to the public and wider civic society that the properties in care are being well cared for.
- 3.4 In the exercise of the delegated functions HES must comply with the terms of any existing agreements relating to the properties in care, including those relating to a particular property such as a Guardianship deed or a monument specific contract, or a multiple site contract.
- 3.5 In the exercise of the delegated functions HES must comply with all relevant legislation. This includes all works carried out in the exercise of the delegated functions which are subject to the normal statutory requirements, including the need to obtain regulatory consents.
- 3.6 In the exercise of the delegated functions HES must comply with the terms of the Scottish Public Finance Manual⁵, the HES Framework document and any strategic guidance or directions which may have been issued by Ministers.
- 3.7 Historic Environment Scotland must, wherever possible, work in collaboration (whether in partnership or otherwise) with other bodies, such as those managing historic properties, to ensure best value for the people of Scotland, to share, develop and follow best practice, and to recognise the complementary role of other bodies in conserving, interpreting and providing access to Scotland's historic environment.

Asset Management Plan

- 3.8 HES must develop and maintain an up to date Asset Management Plan (AMP) for the properties in care which must include a Strategic Investment Plan (SIP) and which must be submitted to and approved by Ministers.
- 3.9 The AMP must include a review date.

¹ <http://www.gov.scot/Topics/ArtsCultureSport/arts/Historic-environment/Strategy>

² <http://www.gov.scot/About/Performance/scotPerforms>

³ <http://www.gov.scot/Topics/Economy/EconomicStrategy>

⁴ http://www.visitscotland.org/what_we_do/tourism_development_plan.aspx

⁵ <http://www.gov.scot/Topics/Government/Finance/spfm/Intro>

- 3.10 The AMP must include a methodology and programme for on-going condition assessment and a methodology for how investment will be prioritised.
- 3.11 The SIP must cover investment into maintaining the condition of the properties and providing access, including the infrastructure required to deliver the delegated functions. The SIP must demonstrate how investment contributes to the delivery of the delegated functions and clearly align to Ministers' priorities and overarching purpose.

Condition monitoring and reporting

- 3.12 HES must have in place robust methods of condition assessment and on-going monitoring which are approved by Ministers.
- 3.13 A base line assessment must be completed before the scheme takes effect.
- 3.14 The condition assessment methodology and the overall results of condition assessments must be published on the HES website.

Principles, policies, and standards

- 3.15 HES must develop a series of policies, standards and supporting documents to provide transparency and accountability in the operation of the scheme. These must be submitted to and approved by Ministers, and must indicate where final decisions must be made by Ministers.
- 3.16 These policies, standards and supporting documents must set out how HES will exercise the delegated functions, demonstrating how good practice will be met, including through peer review and adherence to any relevant industry standards.
- 3.17 HES must have regard to these policies, standards and supporting documents in the exercise of the delegated functions.
- 3.18 These policies, standards and supporting documents must cover (but are not limited to) those subjects set out in annex B and must include a review date.
- 3.19 All HES policies, standards and supporting documents must be published on the website of HES.

4 Performance Management

- 4.1 HES must develop the indicators that will be used to assess effectiveness of the operation of the scheme. These must be submitted to and approved by Ministers.
- 4.2 The indicators must enable measurement of performance in exercising the delegated functions and in particular show: the condition of the properties in care; the impact of the investment made in the properties; and the provision of public access.
- 4.3 The indicators will be monitored through the annual reporting and governance meeting schedule established as part of the sponsorship mechanisms.

5 Charging

- 5.1 HES must develop a transparent charging policy which must be approved by Ministers as part of its corporate planning process.
- 5.2 HES must have regard to this policy in the exercise of the delegated functions.

5.3 Charges for new areas of business would be considered as ‘novel and contentious’ under the terms of the Scottish Public Finance Manual and the HES Framework Document.

6 Intellectual Property Rights

6.1 All intellectual property rights in works created by HES during the exercise of the delegated functions shall assign to and vest in the Scottish Ministers. All such works are therefore subject to Crown Copyright.

6.2 HES shall take reasonable precautions to ensure that nothing contained in any materials produced by HES or anyone acting on its behalf nor the reproduction of such materials, shall constitute an infringement of any third party copyright or intellectual property right and shall indemnify the Scottish Ministers against actions, proceedings, claims and demands made by reason of any such infringement.

7 Indemnity and Insurances

7.1 HES must indemnify Scottish Ministers against all claims, proceedings, damages, legal costs, expenses and other liabilities arising in relation to the exercise of the delegated functions under this scheme.

List of properties covered by the scheme

Aberdour Castle
 Aberlemno Churchyard Cross Slab
 Aberlemno Sculptured Stones
 Abernethy Round Tower
 Achnabreck Cup and Ring Marks
 Affleck Castle
 Antonine Wall - Bantaskin
 Antonine Wall - Barrhill
 Antonine Wall - Bearsden Bath-House
 Antonine Wall - Castlecary Fort
 Antonine Wall - Croy Hill
 Antonine Wall - Dullatur
 Antonine Wall - Garnhall Farm
 Antonine Wall - Kirkintilloch
 Antonine Wall - Rough Castle
 Antonine Wall - Seabegs Wood
 Antonine Wall - Tollpark
 Antonine Wall - Watling Lodge
 Antonine Wall - Watling Lodge West
 Arbroath Abbey
 Arbroath Abbey Abbots House
 Ardchattan Priory
 Ardclach Bell Tower
 Ardestie Earth House
 Ardoch Roman Camp, Blackhill
 Arduie Roman Signal Station
 Argyll's Lodging, Stirling
 Arnol Blackhouse No 39
 Arnol Blackhouse No 42
 Auchagallon Stone Circle
 Auchindoun Castle
 Ballygowan Cup and Ring Mark Rocks
 Baluachraig Cup and Ring Mark Rocks
 Balvaird Castle
 Balvenie Castle
 Barochan Cross
 Barsalloch Fort
 Beaully Priory
 Big Balcraig and Clachan Cup and Ring
 Mark Rocks
 Biggar Gasworks
 Bishop's House, Elgin
 Bishop's Palace, Kirkwall
 Blackhammer Chambered Cairn
 Blackfriars Chapel, St Andrews
 Blackness Castle
 Bonawe Iron Furnace
 Bothwell Castle
 Brandsbutt Symbol Stone
 Brechin Cathedral Round Tower
 Brechin Maison Dieu Chapel
 Bridge of Oich Suspension Bridge
 Broch of Gurness (Aikerness Broch)
 Brough of Birsay
 Broughty Castle
 Burghead Well
 Burleigh Castle
 Cadzow Castle
 Caerlaverock Castle
 Cairn Holy Cairn 1
 Cairn Holy Cairn 2
 Cairn o' Get
 Cairn of Memsie
 Cairnbaan Cup and Ring Marks
 Cairnpapple Hill
 Calanais Standing Stones
 Cambuskenneth Abbey
 Cardoness Castle
 Carlungie Earth House
 Carn Ban Long Cairn
 Carn Liath (Broch)
 Carnasserie Castle
 Carsluith Castle
 Castle Campbell
 Castle of Old Wick
 Castle of Park
 Castle Semple Collegiate Church
 Castle Sween
 Castlelaw Hill Fort
 Caterthuns (Brown and White)
 Chapel Finian
 Chesters Hill Fort
 Clackmannan Tower
 Clava Cairns
 Claypotts Castle
 Click Mill, Dounby
 Clickimin Broch
 Cnoc Freiceadain Long Cairn
 Cubbie Row's Castle
 Corgarff Castle
 Corrimony Chambered Cairn
 Corstorphine Dovecot

Coulter Motte
Craigmillar Castle
Craignethan Castle
Crichton Castle
Crookston Castle
Cross Kirk, Peebles
Crossraguel Abbey
Cullerlie Stone Circle
Culross Abbey
Culsh Earth House
Cuween Hill Chambered Cairn
Dallas Dhu Distillery
Deer Abbey
Dere Street Roman Road - North
Dere Street Roman Road - South
Deskford Church
Dirleton Castle
Dogton Stone
Doonhill
Doune Castle and Roman Camp
Druchtag Motte
Drumcoltran Tower
Drumtroddan Cup and Ring Marked Rocks
Drumtroddan Standing Stones
Dryburgh Abbey
Duff House
Duffus Castle
Dumbarton Castle
Dun Struan Beag
Dun Carloway
Dun Dornaigil
Dun Telve
Dun Troddan
Dunadd Fort
Dunblane Cathedral
Dunchraigaig Cairn
Dundonald Castle
Dundrennan Abbey
Dunfallandy Stone
Dunfermline Abbey Palace and Nave
Dunfermline Abbey Nether Yett
Dunglass Collegiate Church
Dunkeld Cathedral
Dunstaffnage Castle and Chapel
Dupplin Cross
Dwarfie Stane
Dyce Symbol Stones
Eagle Rock or Hunter's Craig
Earl's Bu, Ophir
Earl's Palace, Birsay

Earl's Palace, Kirkwall
Eassie Sculptured Stone
Easter Aquhorthies Stone Circle
Edinburgh Castle
Edin's Hall Broch
Edrom Church Norman Doorway
Edzell Castle
Eileach an Naoimh
Eilean Mor
Elcho Castle
Elgin Cathedral
Elgin,Pans Port and precinct wall
Eynhallow Church
Fort Charlotte
Fort George
Fortrose Cathedral
Foulden Tithe Barn
Fowlis Wester Cross Slab
Glasgow Cathedral
Glenbuchat Castle
Glenluce Abbey
Grain Earth House
Greenknowe Tower
Grey Cairns of Camster
Hackness Battery and Martello Tower
Hailes Castle
Hermitage Castle
Hill O'Many Stanes
Hilton of Cadboll
Holm of Papa Westray Chambered Cairn
Holyrood Abbey
Holyrood Park
Huntingtower Castle
Huntly Castle
Inchkenneth Chapel
Inchcolm Abbey
Inchmahome Priory
Innerpeffray Chapel
Inverlochy Castle
Iona Abbey
Iona Nunnery
Jarlshof Prehistoric and Norse Settlement
Jedburgh Abbey
Keills Chapel and Cross
Kelso Abbey
Kilberry Sculptured Stones
Kilchurn Castle
Kildalton Cross
Kildrummy Castle
Kilmartin Crosses

Kilmartin Glebe Cairn
 Kilmartin Sculptured Stones and Neil
 Campbell Tomb
 Kilmichael Glassary Cup and Ring Mark
 Rock
 Kilmodan Sculptured Stones
 Kilmory Knap Chapel
 Kilpatrick Dun
 Kilwinning Abbey
 King's Knot, Stirling
 King's Park, Stirling
 Kinkell Church
 Kinnaird Head Castle and Lighthouse
 Kinnaird Head Wine Tower
 Kinneil Old Church Cross
 Kinneil House
 Kirkconnel Churchyard
 Kirkhill Roman Signal Station
 Kirkmadrine Stones
 Kisimul Castle
 Knap of Howar
 Knock Castle
 Knocknagael Boar Stone
 Knowe of Unstan Chambered Cairn
 Knowe of Yarso Chambered Cairn
 Laggangairn Standing Stones
 Lauderdale Aisle, St Mary's Church
 Lincluden Collegiate Church
 Lindsay Burial Aisle
 Links of Noltland
 Linlithgow Palace, Peel and Royal Park
 Loanhead of Daviot Stone Circle
 Loch Doon Castle
 Lochleven Castle
 Lochmaben Castle
 Lochranza Castle
 Machrie Moor Stone Circles
 MacLean's Cross, Iona
 MacLellan's Castle
 Maeshowe, Chambered Cairn
 Maiden Stone
 Mar's Wark, Stirling
 Mavisbank Policies
 Maybole Collegiate Church
 Meigle Stones (and Museum)
 Melrose Abbey and Precinct
 Merkland Cross
 Mid Howe Broch
 Mid Howe Chambered Cairn
 Monreith Cross
 Morton Castle
 Moss Farm Road Stone Circle
 Mousa, Broch
 Muir o'Fauld Roman Signal Station
 Muness Castle
 Muthill Old Church and Tower
 Ness of Burgi
 Nether Largie Mid Cairn
 Nether Largie North Cairn
 Nether Largie South Cairn
 New Abbey Corn Mill
 Newark Castle
 Noltland Castle
 Old Brig O'Dee
 Orchardton Tower
 Ormiston Market Cross
 Peel Ring of Lumphanan
 Picardy Symbol Stone
 Pierowall Church
 Preston Market Cross
 Quoyness Chambered Cairn
 Ravenscraig Castle
 Rennibister Earth House
 Restenneth Priory
 Ri Cruin Cairn
 Ring of Brodgar
 Rispaig Camp
 Rothesay Castle
 Ruthven Barracks
 Ruthwell Cross
 Scalloway Castle
 Scotstarvit Tower
 Seton Collegiate Church
 Skara Brae
 Skelmorlie Aisle
 Skipness Castle
 Skipness Chapel
 Smailholm Tower
 Spynie Palace
 St Andrews Castle
 St Andrews Cathedral
 St Andrews West Port
 St Blane's Church
 St Bride's Church
 St Bridget's Kirk
 St Clement's Church, Rodel
 St Machar's Cathedral Transepts
 St Magnus Church, Egilsay
 St Martin's Church, Haddington
 St Mary's Church, Auchindoir

St Marys Chapel, Crosskirk
St Mary's Chapel, Wyre
St Mary's Chapel, Rothesay
St Mary's Church, Grandtully
St Mary's Church, Kirkheugh, St Andrews
St Nicholas Church, Orphir
St Ninian's Cave
St Ninian's Chapel
St Orland's Stone
St Peter's Church, Duffus
St Serf's Church, Dunning
St Serf's Priory
St Triduana's Aisle
St Vigean's Stones (and Museum)
Stanley Mills
Stanydale Temple
Steinacleit Cairn and Stone Circle
Stirling Castle
Stirling Old Bridge
Stones of Stenness
Sueno's Stone
Sunnybrae Cottage
Sweetheart Abbey and Precinct Walls
Tantallon Castle
Tarves Tomb
Taversoe Tuick Chambered Cairn
Tealing Earth House
Tealing Dovecot
Temple Wood Stone Circles
Threave Castle
Tolquhon Castle
Tomnaverie Stone Circle
Torhouse Stone Circle
Tormiston Mill
Torphichen Preceptory
Torr a'Chaisteal
Torrylin Chambered Cairn
Trinity House
Tullibardine Chapel
Urquhart Castle
Wanlockhead Beam Engine
Westquarter Dovecot
Westside Church (Tuquoy)
Whithorn Priory
Whithorn Priory Crosses (and Museum)
Wideford Hill Chambered Cairn
Wren's Egg

List of areas that must be covered by policies, standards and supporting documents

1. Acquisitions and disposals policy
2. Conservation principles and standards
3. Technical standards covering works to properties in care
4. Access principles and standards
5. Charging Policy
6. Statements of cultural significance for each monument
7. Ministerial Use policy