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 Forum\(^1\);

3.2.3 make a contribution to the delivery of the Scottish Government’s National Performance Framework\(^2\); and

3.2.4 make a contribution to the delivery of any other relevant Scottish Government Strategies including the Government Economic Strategy\(^3\) and the Tourism Development Framework for Scotland\(^4\).

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 Manual\(^5\), 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.

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1 http://www.gov.scot/Topics/ArtsCultureSport/arts/Historic-environment/Strategy
2 http://www.gov.scot/About/Performance/scotPerforms
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.
Annex A

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  
Ardcathian Priory  
Ardclach Bell Tower  
Ardestie Earth House  
Ardoch Roman Camp, Blackhill  
Arduvie 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  
Baluchraig Cup and Ring Mark Rocks  
Balvaird Castle  
Balvenie Castle  
Barochan Cross  
Barsaloch Fort  
Beauly Priory  
Big Bal Craig 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  
Castelaw Hill Fort  
Caterthuns (Brown and White)  
Chapel Finian  
Chesters Hill Fort  
Clackmannan Tower  
Clava Cairns  
Claypotts Castle  
Click Mill, Dounby  
Clickimín 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
Densford 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 Dornachil
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 Naomh
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
Haekness 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
Kilmoidan 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
Rispain 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 Mary's 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
Sweethart 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
Annex B

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