

# SCHEME OF DELEGATION BY SCOTTISH MINISTERS TO HISTORIC ENVIRONMENT SCOTLAND – COLLECTIONS ASSOCIATED WITH 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 associated collections**” means collections of objects owned by, in the custody of, or otherwise under the management or control of the Scottish Ministers that are or have ordinarily been kept in a property in care.

“**objects**” means objects, documents or other things having historical, archaeological, architectural or cultural significance or interest relating to the historic environment generally or with particular reference to Scotland

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

## 1 Introduction

- 1.1 The scheme is made by the Scottish Ministers under section 8 of the 2014 Act. 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 the associated collections 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 properties in care.

## 2 Functions

- 2.1 The Scottish Ministers delegate to HES the following functions:
  - 2.1.1. the general functions of managing the associated collections including ensuring their care and protection, undertaking all necessary conservation, safeguarding and promoting their cultural significance, providing and facilitating public access for current and future generations, and managing associated commercial operations; and
  - 2.1.2. the function of acquiring objects and disposing of objects within the associated collections under the circumstances outlined in the collections development policy. Ministers reserve the right to review the policy at any time.

### **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<sup>1</sup>;
  - 3.2.3 make a contribution to the delivery of the Scottish Government's National Performance Framework<sup>2</sup>; and
  - 3.2.4 make a contribution to the delivery of any other relevant Scottish Government Strategies including the Government Economic Strategy<sup>3</sup> and the Tourism Development Framework for Scotland<sup>4</sup>.

#### *General*

- 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 associated collections are being well cared for.
- 3.4 In the exercise of the delegated functions HES must comply with all relevant legislation.
- 3.5 In the exercise of the delegated functions HES must comply with the terms of the Scottish Public Finance Manual<sup>5</sup>, the HES Framework document and any strategic guidance or directions which may have been issued by Ministers.
- 3.6 Historic Environment Scotland must, wherever possible, work in collaboration (whether in partnership or otherwise) with other bodies, including those managing collections, 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 collections.

#### *Accreditation*

- 3.7 Historic Environment Scotland must be, or be working towards becoming, an Accredited Museum Authority<sup>6</sup>.

#### *Collections Management Plan*

- 3.8 HES must develop and maintain an up to date Collections Management Plan (CMP), or set of documents that together constitute a CMP, which must be submitted to and agreed by Ministers.
- 3.9 The CMP must include plans to improve the documentation of the associated collections and the documentation systems.

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

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

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

<sup>4</sup> [http://www.visitscotland.org/what\\_we\\_do/tourism\\_development\\_plan.aspx](http://www.visitscotland.org/what_we_do/tourism_development_plan.aspx)

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

<sup>6</sup> <http://www.museumsgalleriesscotland.org.uk/standards/accreditation/>

- 3.10 The CMP must include plans to deliver improvements to the care and conservation of the associated collections.
- 3.11 The CMP must include a methodology and programme for on-going condition assessment.
- 3.12 The CMP must set out a methodology for how resources will be prioritised.

*Collections care, condition monitoring and reporting*

- 3.13 HES must agree with Ministers and put in place robust procedures for collections care including an effective condition assessment methodology and on-going monitoring arrangements.
- 3.14 A full assessment of the current management status of the associated collections must be completed within a 12 months of the date this scheme takes effect.
- 3.15 The condition assessment methodology and the updated results must be published annually on the HES website.

*Principles, policies, standards and strategies*

- 3.16 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.
- 3.17 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<sup>7</sup>.
- 3.18 HES must have regard to these policies, standards and supporting documents in the exercise of the delegated functions.
- 3.19 The 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.
- 3.20 Display standards and storage arrangements for the associated collections must conform to security standards equivalent to those that apply under the Government Indemnity Scheme (GIS)<sup>8</sup> and, wherever possible, while preserving the cultural significance of the object and its relationship to the property with which it is associated, the equivalent environmental standards that apply under the GIS.
- 3.21 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 associated collections, the standard of care and the provision of public access.

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<sup>7</sup> e.g. PAS 197:2009 Code of practice for cultural collections management  
<http://shop.bsigroup.com/ProductDetail/?pid=000000000030175180>

<sup>8</sup> [http://www.artscouncil.org.uk/media/uploads/pdf/National\\_guidelines.pdf](http://www.artscouncil.org.uk/media/uploads/pdf/National_guidelines.pdf)

- 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**

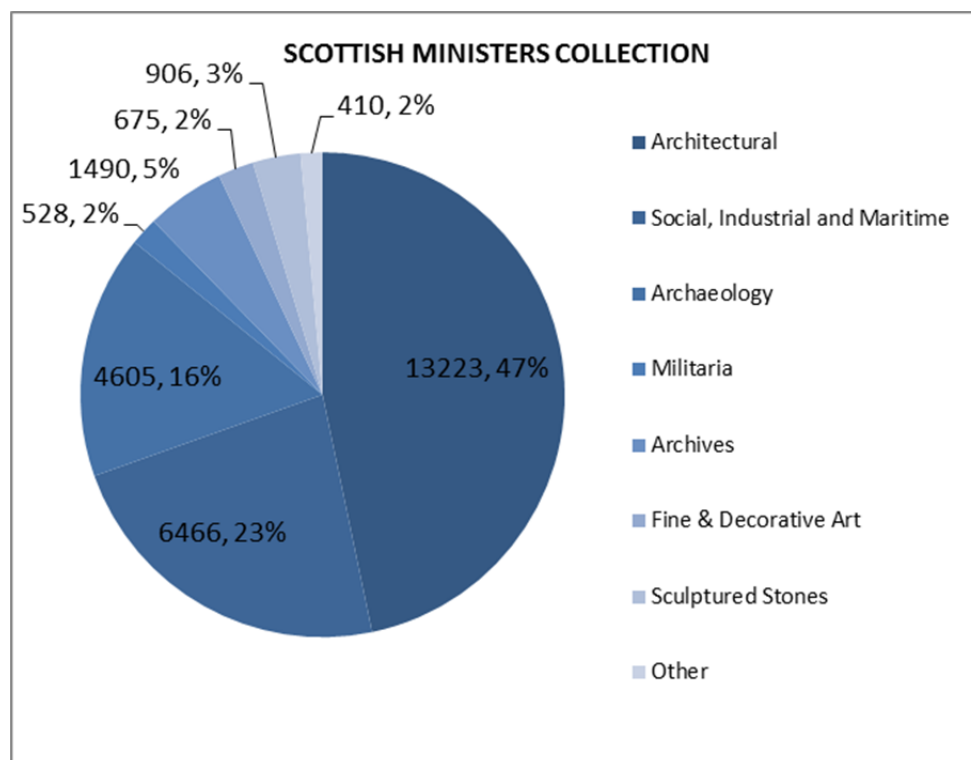
- 6.1 All intellectual property rights in works created by HES during the exercise of the delegated functions shall assign to and vest in the Scottish Ministers. All such works are therefore subject to Crown Copyright.
- 6.2 HES shall take reasonable precautions to ensure that nothing contained in any 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 shall indemnify Scottish Ministers against all claims, proceedings damages, legal costs expenses and other liabilities arising in relation to the exercise of functions delegated under this scheme.

List of the associated collections.

**SUMMARY OF SCOTTISH MINISTERS COLLECTIONS**



**Scottish Ministers Collections by Type**

Architectural	13018
Social, Industrial and Maritime	6154
Archaeology	4414
Archives	1460
Fine & Decorative Art	604
Militaria	398
Sculptured Stones	921
Other	526
<b>TOTAL</b>	<b>27495</b>

Property in Care	Archaeology	Architectural Carved Stones	Books, Photographs & Documents	Building Component	Ceremonial	Costume & Textile	Ethnography	Fine & Decorative Art	Industrial	Interpretation	Maritime	Militaria	Natural History	Numismatics	Sculptured Stones	Social History	Grand Total
Abbey Strand																1	1
Aberdour Castle		71	1	4													76
Antonine Wall			1														1
Arbroath Abbey	120	102	11	14		31		29	8	7	1	23	19	41	12	349	767
Ardchattan Priory		8													9		17
Argyll's Lodging				1				9		20						59	89
Argyll's Lodging, Stirling Castle																1	1
Arnol No 39 White House			9					2						1		206	218
Arnol No 42 Blackhouse			5	1		18				4		2				175	205
Balvaird Castle		150															150
Bearsden Bathhouse	2																2
Beaully Priory		15															15
Biggar Gasworks	2		1			1			104							19	127
Bishop's and Earl's Palace															1		1
Blackness Castle		36		1								1			1	3	42
Bonawe Iron Furnace			1	1		1		93		1						12	109
Bothwell Castle	1	30						1		1		43					76
Broch Of Gurness	91														1		92
Brough Of Birsay	92	9							3	1					1	2	108
Broughty Castle												3					3
Cadzow Castle)	39	134												16			189
Caerlaverock Castle	586	26		1				3		2		10		9	1	6	644
Cambuskenneth Abbey	3	100													1		104
Cardoness Castle										1							1
Carnasserie Castle)		11															11
Castle Campbell		17														1	18
Castle Semple Collegiate Church		1													1		2
Castle Sween	1															2	3
Clackmannan Tower		30		5													35
Click Mill									8								8
Clickimin Broch	2							9								1	12
Corgarff Castle	22											26		1		11	60
Craigmillar Castle	2											1					3
Craignethan Castle	6	169						2									177
Crichton Castle		18		2													20
Crookston Castle																1	1
Crosskirk, Peebles		14															14
Crossraguel Abbey		171						1							4		176
Culross Abbey		59										6					65
Dallas Dhu Distillery			11						618								629
Deer Abbey		10													3	1	14
Dirleton Castle	96	9	2	3		1		2		1		1		14			129
Doone Castle			1													2	3
Dryburgh Abbey		312						6							3	1	322
Duff House			237	18				20		1		4				76	356
Duffus Castle	10	1															11
Dumbarton Castle	20	8	33	9	2	22	1	74		1		13 8	1	4	5	92	410
Dunadd	2																2
Dunblane Cathedral		28		1											5	6	40
Dundrennan Abbey	1	100 6						4							4		1015
Dunfermline Abbey and Palace		125						2						1	18	1	147
Dunglass Collegiate Church		26													1		27
Dunkeld Cathedral		10						2							10		22
Dunstaffnage Castle	1	1						1	1	1		2					7
Dunstaffnage Chapel	1	4															5
Dyce Symbol Stones		1													5	1	7



Skara Brae	205								33							238	
Skelmorlie Aisle											1			1		2	
Skipness Castle														3		3	
Smailholm Tower	76	1		3			26		1		1		7		17	132	
Spynie Palace	2	130		1												133	
St Andrews Castle		40												9		49	
St Andrews Cathedral	62	455	5	19		3		3			5		16 4	12 0	9	845	
St Blane's Church														1		1	
St Bride's Chapel, Douglas		18				1								1	7	27	
St Clement's Church, Rodel		2												6		8	
St Machar's Cathedral		29												4		33	
St Mary's Chapel, Rothesay														3		3	
St Peter's Kirk, Duffus		19										5		1		25	
St Serf's Church		1	3	1										3		8	
St Triduana's Chapel		48													1	49	
St Vigean's		16												26		42	
Stanley Mills			83	1		3		1	442	1			1		4	536	
Stirling Castle	58	429	3	49		5		11 9		14 1		11	1		83	899	
Sweetheart Abbey		83												9	2	94	
Tantallon Castle	161		3					3		1		8	8		7	191	
Tarves Tomb		1														1	
Threave Castle		17								1						18	
Tolquhon Castle		24									2					26	
Tormiston Mill								56							1	57	
Torphichen Preceptor		32												1		33	
Trinity House	44		983	7	13	17		15 6	2	6	155	3	6	42	170	1604	
Urquhart Castle	19	81		1				1		6		17			1	126	
Whithorn Priory Museum	173	252	2	4				2		1			2	50	78	564	
Grand Total	399 5	762 2	146 0	539 6	38	13 5	1	60 4	148 3	31 5	261 9	39 8	37 9	41 9	92 1	205 2	2749 5



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

1. Collections development plan (acquisitions and disposal policy)
2. Collections care and conservation policy
3. Collections loans policy
4. Access principles and standards
5. Charging policy