



AQUISITIONS AND RELEASE POLICY FOR THE PROPERTIES IN CARE OF SCOTTISH MINISTERS



HISTORIC
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This Policy sets out the framework for considering acquisitions and release of properties in state care and how this will be managed.

INTRODUCTION

Scottish Ministers continue the long-standing practice of holding in care nationally important historic properties and objects associated with them. Over 300 properties are currently in state care. This compares with approximately 300,000 identified heritage places in Scotland, of which 57,000 have formal protection through statutory designation.

By definition, the state-held properties are of national significance, and often also of international significance. They include nationally iconic and diverse sites ranging from prehistoric Calanais and Skara Brae, to medieval Edinburgh Castle and 19th century Stanley Mills.

The properties have come into state care in two main ways. Some properties have been owned by the state, in many cases since medieval times, including the royal fortresses and palaces of Scotland. To these have been added, over the course of the last century and a half, a number of nationally significant historic properties which have been taken into state care either by transfer of ownership or under a variety of agreements, the most common of which is Guardianship, where the title rests with the owner but the state manages the property for public benefit in the long term.

What is regarded as nationally important or significant has changed over time, and the portfolio of sites, monuments and properties currently in care reflect those changes. In general, the *purpose* of properties in care should be to reflect Scotland's past and contribute to Scotland's future. They should;

- Be of national or international significance
- Contribute to the telling of Scotland's story
- Enhance the attractiveness and identity of Scotland
- Benefit the people of Scotland

Historically, the physical conservation of the "fabric" of properties has been the primary objective in managing them but over time other aspects have risen in importance, especially public access and more recently economic and social benefits. Increasingly, emphasis has shifted from the conservation of the physical remains to the conservation of the cultural significance of properties, which may not lie in the physical fabric alone.

Policy for the properties in care is therefore predicated on delivering *Ministers' priorities*, as follows:

- Long term preservation of the properties and understanding of their cultural significance
- Contributing to Scotland's intellectual, economic and social wellbeing, both now and in the future, in particular, public access and engagement, and education

DEFINITIONS AND RESPONSIBILITIES

The Historic Environment Scotland Act defines a property in Scottish Ministers' care as:

“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.”

A Scheme of Delegation made under section 3 of the Historic Environment Scotland Act 2014, places responsibility for carrying out Ministers' statutory functions in relation to the properties' conservation and management on Historic Environment Scotland. Any decision to acquire or release a property will be made in consultation with Historic Environment Scotland, from whom advice will be sought. The powers to acquire or release a property in care are not delegated and are retained by Scottish Ministers.

SCOPE

This policy applies to all historic properties currently in state care and those which may be proposed or identified as such in the future. Collections associated with such properties in care will be considered in parallel.

The policy is intended to apply to all acquisition and release requests irrespective of source, including but not limited to individuals or organisations who hold title to a property, Scottish Ministers and Historic Environment Scotland.

PRINCIPLES

In consideration of a proposed acquisition or release, the following general principles will apply:

- It is unusual for a property or place to be taken into, or taken out of state care - there are many other ways of supporting the historic environment.

- Only assets of national or international significance will be considered for care
- The general presumption is that care is long-term, with ownership preferable to guardianship, but the circumstances of individual situations will be considered
- The property must contribute strongly to telling the story of Scotland's past and be of value to future generations.
- The provision of physical public access is a pre-requisite unless it is impossible or impractical for conservation reasons.
- Acquisition or release must not disproportionately benefit the title owner.
- The resource burden of care, including financial implications, must be proportionate, relative to its cultural significance and delivering Ministers' priorities.
- Any change to the portfolio of properties in care, whether through acquisition or release, should consider the impact on the character and operation of the portfolio as a whole.
- Asset Transfer Requests under the Community Empowerment (Scotland) Act 2015 which might involve the transfer of a property owned by Scottish Ministers out of care or to different management arrangements will be considered in line with Historic Environment Scotland's Asset Transfer Policy.

ASSESSMENT CRITERIA

- Acquisition

Any person or organisation may request that a cultural heritage property or place be considered for state care either through ownership of Scottish Ministers or by entering into a Guardianship agreement.

Before reaching a decision on acquisition, Scottish Ministers shall seek and consider the advice of Historic Environment Scotland who will provide, within a timeframe to be agreed in each case, an assessment of:

- The circumstances leading to the request
- The options and alternatives to state care and the feasibility and resource costs of these
- The extent to which the property aligns with the *purpose* of properties in care
- The extent to which the property delivers *Ministers' priorities*
- The cultural significance of the proposed acquisition.
- The risk of loss of cultural significance in the short and medium term if not taken into care
- The financial implications and other practical considerations of taking the property into state care and managing it in the long term, the

opportunity cost and the ability to absorb the impact of any additional costs.

The Scottish Ministers may seek advice from other persons as well as from Historic Environment Scotland. In preparing its advice, likewise, Historic Environment Scotland may consult with other persons or bodies as it sees fit.

- Release

Any person or organisation holding title to a historic property or place which is in state care may request that it be released from state care. Scottish Ministers will consider such requests under the framework provided by the Ancient Monuments and Archaeological Areas Act 1979.

Before reaching a decision on releasing a property, Scottish Ministers shall seek and consider the advice of Historic Environment Scotland who will provide, within a timeframe to be agreed in each case, an assessment of:

- The circumstances leading to the request
- The cultural significance of the property.
- The potential impact on cultural significance, positive and negative, of coming out of state care.
- The extent to which the property's alignment with the *purpose of properties in care* and delivery of *Ministers' priorities* would be affected by coming out of state care.
- Plans for the long term conservation and management of the property
- The resource costs of managing the property in state care in the long term.
- Whether, and if so, how public access and benefit will be maintained.
- The level of public investment made in the asset whilst in state care.
- The basis on which the asset will be managed going forward, the costs / loss of income (if any) to the public finances, and the ability of the owner or other party to absorb the impact of any additional costs.

Historic Environment Scotland's Asset Transfer Policy sets out how Asset Transfer Requests under the Community Empowerment (Scotland Act) 2015 will be considered. The key considerations including benefits, viability, community support and best value are aligned to the above criteria.

The Scottish Ministers may seek advice from other persons as well as from Historic Environment Scotland. In preparing its advice, likewise, Historic Environment Scotland may consult with other persons or bodies as it sees fit.

Outline Process

Requests for acquisition or release should be directed to a Historic Environment Scotland [mailbox](#). All enquiries and requests will be recorded by Historic Environment Scotland's Factoring Team. Following initial discussion, enquiries that progress will follow a two-stage process;

- an *initial assessment* of the request against the **purpose** statement.
- based on the above, Ministers may ask Historic Environment Scotland to undertake a *detailed assessment* of the proposal. HES will provide this assessment to Ministers for consideration and decision.

RECONSIDERATION

Once Ministers have considered a proposal to take a property into or release it from state care and reached a decision, a broadly similar proposal in respect of that same property will not normally be considered again within three years from the date at which Ministers communicated their previous decision to interested parties.



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