

## Appendix N – Historic Scotland’s duties in relation to Rowallan Castle as a guardianship monument

Historic Scotland is an Executive Agency, which is responsible to Scottish Ministers and comes under the control of the Scottish Parliament and Scottish Executive. It was established with general duties of securing the protection, the presentation and promotion of Scotland’s built heritage, including ancient monuments, archaeological sites and historic buildings. Within this broad remit the following specific functions of Historic Scotland are particularly relevant in this application:

### Role of Properties in Care Group

- Conserves, interprets and promotes enjoyment of the 345 monuments and Royal Parks in State care; these range from the royal palaces of Holyrood House and Linlithgow to the castles of Stirling, Edinburgh, Urquhart and Caerlaverock, the Border Abbeys and many smaller monuments, staffed and unstaffed, from all periods of Scottish history and prehistory
- Funds and undertakes relevant research, including excavation, at Properties in Care.

Minister’s duties in relation to Guardianship are set out in the Ancient Monuments and Archaeological Areas Act 1979, and these statutory provisions are framed with an emphasis on minimal intervention.

- The Act provides that those, in Scotland, with any heritable interest in an ancient monument may seek to constitute the Scottish Ministers or the local authority guardians of the monument: see s.12 of the Act.
- Where constituted guardians, the Ministers or the Local Authority are charged with the duty of maintaining the monument: s.13 (1). “Maintenance” is defined to include “fencing, repairing, and covering in, of a monument and the doing of any other act or thing which may be required for the purpose of repairing the monument or protecting it from decay or injury, and “maintain” shall be construed accordingly”: section 13(7). This definition is consistent with a minimal intervention approach.
- The provisions which, specifically, may be included in any agreement entered into by Scottish Ministers with the occupier of any ancient monument include “the maintenance and preservation of the monument and its amenities”: see section 17(4) (a). “Maintenance is as defined above: section 13(7).
- The powers afforded to the Scottish Ministers to make funding available are for the costs of preservation, maintenance and management: section 24(2) and in respect of local authorities at section 24(4). No expenses are to be incurred by the Scottish Ministers or any local authority in respect of any monument that is occupied as a dwelling house by any person other than a person employed as the caretaker: section 24(5).

Properties in Care Group  
March 2007