

Response from Museums Galleries Scotland to Historic Scotland's consultation on The Ancient Monuments and Listed Buildings (Amendment) (Scotland) draft Bill [CON 1153]

Museums Galleries Scotland is the lead body for the funding, development and advocacy of over 340 museums and galleries in Scotland. We are the recognised representative of and adviser to a membership which includes all 32 local authorities, 162 independent trusts, 7 regimental trusts, 9 universities and 3 National Collections.

Our Corporate aims are to:

- Advocate and communicate the contribution museums and galleries make to people's lives
- Support the development of museums and galleries
- Promote and provide excellent customer services
- Build an evidence base to inform policy and support decision making
- Build partnerships and sustainable relationships at national, local and regional levels.

More than half of our member museums are in listed buildings. Several of our members are also responsible for scheduled monuments as part of their site responsibilities. Our members therefore play an important role as custodians of the built heritage as well as collections. This role has to be balanced against the need for suitable spaces in which to house collections and from which to deliver a widening range of services to meet the increasingly discriminating needs of the public. For many, this role has become increasingly challenging of late, not least because of additional and often conflicting demands resulting from the introduction of DDA legislation.

We are pleased to offer comment on the draft bill.

Our comments focus on the general direction as set out in the consultation document and the draft Bill provisions as we expect them to impact on those running Scottish museums and galleries. We do not have any additional comments to make on the supplementary points about

- The partial regulatory impact assessment
- The equalities impact of the Bill.

General direction as set out in the consultation

MGS welcomes the introduction of the amendments and the associated initiatives, and the fact that this brings all together within one piece of legislation. This should make it easier for everyone to implement, address loopholes and remove uncertainties.

We strongly endorse the aim to simplify processes for those responsible for listed buildings and ancient monuments. The gaps and weaknesses in

existing protection legislation have led to ambiguity and sometimes conflicting advice on approaches to take, making the challenge of balancing custodianship against public provision all the harder. Our hope is that the changes will make it easier for those who act as custodians to manage their heritage assets and perhaps help more listed buildings stay in active use as museums or galleries in future.

We are encouraged by the default position on state of scheduled monuments being clarified as retention 'in the state in which they came down to us'. Sometimes there can be a desire for costly restorations or a desire to preserve in such a way that makes it more difficult to prioritise excellent public spaces and services, although obviously there can be times when this adds value to both.

We also welcome the retention of the fundamental processes of scheduling and listing, the rationale for which is consistent with other heritage protection schemes, including the Recognition Scheme for collections of national importance that we manage on behalf of the Scottish government.

We believe this new legislation will help those considering new museums to better plan and appreciate what their future responsibilities would be.

The Provisions

We broadly welcome the clarifications and harmonisation proposed in the Provisions. In particular we welcome the broadening of scope of who might be eligible for grants (section 14).

Museums Galleries Scotland is co-opted to the Scottish Archaeological Finds Allocation Panel supporting Treasure Trove. From this perspective we welcome clarification of who takes custody of found objects on scheduled monuments.

Overall, we are optimistic that the amendments coupled with initiatives such as the local agreements will simplify processes for those that manage museums and galleries whilst retaining a satisfactory level of protection.

The clarifications should improve understanding of the role of Historic Scotland by those that are custodians of listed buildings and scheduled monuments.

Potential financial implications of the Bill

The changes set out in Section 16 of the Provision in relation to widening the definition of monument could have financial implications on those that

manage the land concerned, and that this would need to be taken into account in grants policies.