



Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

1997 CHAPTER 9

PART IV

SUPPLEMENTAL

81 Interpretation

- (1) In this Act, except in so far as the context otherwise requires—
- “building preservation notice” has the meaning given in section 3(1),
 - “conservation area” means an area for the time being designated under section 61,
 - “conservation area consent” has the meaning given in section 66(1),
 - “listed building” has the meaning given in section 1(4),
 - “listed building consent” has the meaning given in section 7(7),
 - “listed building enforcement notice” has the meaning given in section 34(1),
 - “listed building purchase notice” has the meaning given in section 28(1),
 - “period for compliance”, in relation to a listed building enforcement notice, has the meaning given in section 34(5),
 - “prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act,
 - “the principal Act” means the Town and Country Planning (Scotland) Act 1997, and
 - “town scheme agreement” has the meaning given in section 71.
- (2) Subject to subsection (6), and except in so far as the context otherwise requires, the following expressions have the same meaning as in the principal Act—
- “acquiring authority”

Status: This is the original version (as it was originally enacted).

“advertisement”
 “building”
 “compulsory acquisition”
 “development”
 “development order”
 “development plan”
 “disposal”
 “enactment”
 “functions”
 “government department”
 “land”
 “lease”
 “local authority”
 “minerals”
 “Minister”
 “owner”
 “the planning Acts”
 “planning authority”
 “planning permission”
 “public gas transporter”
 “use”
 “Valuation Office”.

- (3) In this Act “statutory undertakers” has the same meaning as in the principal Act except that—
- (a) in sections 29 to 32 it shall be deemed to include references to a public telecommunications operator,
 - (b) in sections 29 to 32 and 80(2) it shall be deemed to include the Post Office, and
 - (c) in sections 29 to 32, 46(2)(a) and 80(2) it shall be deemed to include the Civil Aviation Authority, a public gas transporter and a holder of a licence under section 6 of the Electricity Act 1989.
- (4) References in the planning Acts to any of the provisions mentioned in section 73 include, except where the context otherwise requires, references to those provisions as modified under that section.
- (5) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

- (6) For the purposes of subsection (1)(b) of section 51 and subsection (2) as it applies for the purposes of that subsection the definition of “building” in the principal Act shall apply with the omission of the words “but does not include plant or machinery comprised in a building”.
- (7) In this Act any reference to a sale or purchase includes a reference to a sale or purchase by way of feu, and any reference to the price in relation to a sale or purchase includes a reference to grassum, feuduty and ground annual.
- (8) Without prejudice to section 20(2) of the Interpretation Act 1978, references in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

82 Regulations and orders

- (1) The Secretary of State may make regulations—
 - (a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by a planning authority which is a local authority;
 - (b) for any purpose for which regulations are authorised or required to be made under this Act.
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.
- (3) Any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The power to make orders under sections 7(5), 54(5) and 67(7) shall be exercisable by statutory instrument.
- (5) Any statutory instrument which contains an order under section 54(5) or 67(7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Any order under section 54(5) or 67(7) may contain such supplementary and incidental provisions as may appear to the Secretary of State appropriate.
- (7) Without prejudice to section 14 of the Interpretation Act 1978, any power conferred by this Act to make an order shall include power to vary or revoke any such order by a subsequent order.

83 Short title, commencement and extent

- (1) This Act may be cited as the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- (2) This Act shall come into force at the end of the period of 3 months beginning with the day on which it is passed.
- (3) This Act extends to Scotland only.