

*Draft Regulations laid before the Scottish Parliament under section 82(3A) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**TOWN AND COUNTRY PLANNING**

**The Planning (Listed Buildings) (Amount of Fixed Penalty) (Scotland) Regulations 2011**

*Made* - - - -

*Coming into force* - - *1st December 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 39A(5) and (13) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 82(3A)<sup>(2)</sup> of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Planning (Listed Buildings) (Amount of Fixed Penalty) (Scotland) Regulations 2011 and come into force on 1st December 2011.

(2) In these Regulations reference to a listed building enforcement notice does not include a notice which is withdrawn by the planning authority or quashed.

**Amount of fixed penalty**

2.—(1) Subject to paragraphs (2) and (3), the amount prescribed for the purposes of section 39A(5) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is £2,000.

(2) Where a fixed penalty notice is served as respects the breach of a second listed building enforcement notice relating to the same steps or works as specified in an earlier listed building enforcement notice, the amount is £3,500.

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(1) 1997 c.9; section 39A was inserted by section 24 of the Historic Environment (Amendment) (Scotland) Act 2011 (asp 3); “prescribed” is defined by section 81(1). The functions of the Secretary of State transferred to the Scottish Ministers under section 53 of the Scotland Act 1998 (c.46).

(2) Section 82(3A) was inserted by section 30(4) of the Historic Environment (Amendment) (Scotland) Act 2011 and has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(3) Where a fixed penalty notice is served as respects the breach of a third or subsequent listed building enforcement notice relating to the same steps or works as specified in an earlier listed building enforcement notice, the amount is £5,000.

St Andrew's House,  
Edinburgh  
Date

A member of the Scottish Executive

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the increasing amounts of the penalty payable under a fixed penalty notice served under section 39A of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The fixed penalty is £2,000 in the case of a fixed penalty notice served as respects the breach of a first listed building enforcement notice, increasing to £3,500 for a fixed penalty notice served as respects the breach of a second listed building enforcement notice and £5,000 for fixed penalty notices served as respects the breach of any subsequent listed building enforcement notice.