

## SCHEDULES

### SCHEDULE 21

#### CONSEQUENTIAL AMENDMENTS

#### PART II

##### *The Finance Act 1931 (c. 28)*

In section 28(6) (inserted by the Land Commission Act 1967), for the words " the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " the Town and Country Planning (Scotland) Act 1972 ".

In Schedule 2, in paragraph (viii) (inserted by the Land Commission Act 1967), for the words " section 12(5) of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " section 31(2) of the Town and Country Planning (Scotland) Act 1972 ".

##### *The Building Restrictions (War-Time Contraventions) Act 1946 (c. 35)*

In section 8(5), in paragraph (c), after the word " 1947 " there shall be inserted the words " or of paragraph 28 of Schedule 22 to the Town and Country Planning (Scotland) Act 1972 ", and the words " under Part II of that Act " shall be omitted ; and at the end of paragraph (d) there shall be added the words " or by paragraph 28 of Schedule 22 to the Town and Country Planning (Scotland) Act 1972 ".

##### *The Town and Country Planning (Scotland) Act 1947 (c. 53)*

In section 44(1), for the words " this Part of this Act " there shall be substituted the words " Part VI of the Town and Country Planning (Scotland) Act 1972 ".

##### *The Civil Aviation Act 1949 (c. 67)*

In section 30—

- (a) in subsection (1), for the words from "arbitration" to " 1944 " and the words " paragraph 2 of that Schedule " there shall be substituted respectively the words " Lands Tribunal " and "section 227(2), (3), (5) and (6) of the Town and Country Planning (Scotland) Act 1972 " ;
- (b) in subsection (2), from the beginning to the words "in respect of" there shall be substituted the words—

“(2) Subsections (2), (3), (5) and (6) of the said section 227 shall have effect for the purposes of this section as if, in paragraph (c) of subsection (2) of that section, the words ' is under section 226(2) of this Act, and ' were omitted, and as if, at the end of that paragraph, there were inserted the following paragraph:—

“(d) in respect of”

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and for the words " sub-paragraph (4) thereof " there shall be substituted the words " subsection (6) of that section " . In section 64(6)(b), for the words "section fifty" and " 1945" there shall be substituted respectively the words " section 267 " and " 1972 " .

In Schedule 4—

- (a) in paragraph 4, for the words from " the First Schedule " to " this Part" there shall be substituted the words " section 225 of the Town and Country Planning (Scotland) Act 1972 shall have effect as if any reference in that section to section 222 of that Act, or to the section under which the order is proposed to be made, included a reference to this Part ";
- (b) in paragraph 8, for the words from " the First Schedule" to "this Part" there shall be substituted the words " section 225 of the Town and Country Planning (Scotland) Act 1972 shall have effect as if any reference in that section to section 224 of that Act, or to the section under which the order is proposed to be made, included a reference to this Part " .

*The Building (Scotland) Act 1959 (c. 24)*

Section 17(2) shall be amended as follows:—

- (a) for paragraph (b) there shall be substituted the following paragraph—
  - “(b) subject to a building preservation notice under section 56 of the Town and Country Planning (Scotland) Act 1972”;
- (b) in paragraph (c), for the words " section 28 of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " section 52 of the said Act of 1972 ";
- (c) after the words "Act of 1931 " there shall be inserted the words " the said Act of 1972 " .

*The Town and Country Planning (Scotland) Act 1959 (c. 70)*

For section 27(5)(b) there shall be substituted the following paragraph:—

“(b) to section 113 of the Town and Country Planning (Scotland) Act 1972” .

In Schedule 4, in paragraph 2, for the words "the Town and Country Planning (Scotland) Act 1947" there shall be substituted the words " the Town and Country Planning (Scotland) Act 1972 " .

*The Airports Authority Act 1965 (c. 16)*

In section 17(6), for the words "Section 128 of the Town and Country Planning Act 1971 " there shall be substituted the words " Section 118 of the Town and Country Planning (Scotland) Act 1972 " .

In section 18 of the said Act of 1965 (as amended by the Civil Aviation Act 1971) for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—

" section 20 of the Act of 1947 "	" sections 153 and 154 of the Act of 1972 "
" section 18(1) of the Act of 1947 "	" section 158 of the Act of 1972 "
" Schedule 5, paragraph 1, of the Act of 1947 "	" section 226(1) of the Act of 1972 "
" "	" "
" section 18(3) of the Act of 1947 "	" section 176(2) of the Act of 1972 "

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" section 17 of the Act of 1947 "	" section 169 of the Act of 1972 "
" the said section 20 "	" the said section 153 "
" section 19 of the Act of 1947 (in both places) "	" section 42 of the Act of 1972 "
" section 17(1B) or (2) of the Act of 1947 "	" section 170(2) or 175(1) of the Act of 1972 "
"section 43 of the Town and Country Planning (Scotland) Act 1954 "	" section 157 of the Act of 1972 "
" Part II of the Act of 1947 "	" Part III of the Act of 1972 "

and in section 18(5), for the words "' the Act of 1947 ' means the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words "' the Act of 1972 ' means the Town and Country Planning (Scotland) Act 1972 " .

In section 19(1), for the words "section 113(1) of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " section 275(1) of the Town and Country Planning (Scotland) Act 1972 " .

#### *The Gas Act 1965 (c. 36)*

In section 4(7), for the words "the Town and Country Planning (Scotland) Acts 1947 to 1963 " and " section 32 of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted respectively the words " the Town and Country Planning (Scotland) Act 1972 " and " section 37 of that Act " .

In section 28(1)—

- (a) in the definition of " local planning authority", for the words " section 2 of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " section 1 of the Town and Country Planning (Scotland) Act 1972 " ;
- (b) in the definition of " planning permission ", for the words "Part III of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " Part III of the Town and Country Planning (Scotland) Act 1972 " .

In Schedule 3—

- (a) in paragraph 7(2), for the word " 1947" there shall be substituted the word " 1972 " ;
- (b) in paragraph 9(a), for the words " section 19 of the Town and Country Planning (Scotland) Act 1954 ", " Part II of the said Act of 1954 " and " sections 23 and 24 of the said Act of 1954" there shall be substituted respectively the words " section 135 of the Town and Country Planning (Scotland) Act 1972 " , "Part VII of the said Act of 1972 " and " sections 35 and 36 of the said Act of 1972 " .

#### *The Building Control Act 1966 (c. 27)*

In section 6(1)(a), after the words " Part I of the Control of Office and Industrial Development Act 1965" there shall be inserted the words " or section 72 of the Town and Country Planning (Scotland) Act 1972 " .

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*The Housing (Scotland) Act 1966 (c. 49)*

In section 18, in subsection (1), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

- “(a) in relation to which a building preservation notice served under section 56 of the Town and Country Planning (Scotland) Act 1972 is in force, or  
(b) which is a listed building within the meaning of section 52(7) of that Act”,

and, in subsection (2), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

- “(a) subject to a building preservation notice served under the said section 56, or  
(b) a listed building within the meaning of the said section 52(7)”.

*The Local Government (Scotland) Act 1966 (c. 51)*

In section 9(5), for the words " the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " the Town and Country Planning (Scotland) Act 1972 ".

In section 10(4), for the words " the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " the Town and Country Planning (Scotland) Act 1972 ".

In section 25(3)(c), for the words from " of a building " to " notified " there shall be substituted the words " of a building preservation notice as defined by section 56 of the Town and Country Planning (Scotland) Act 1972 or are included in a list compiled or approved under section 52 of that Act or are notified " .

In section 41, for the words "the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " the Town and Country Planning (Scotland) Act 1972 ".

*The Land Commission Act 1967 (c. 1)*

In section 15, for the words set out in the first column below (in each place where they occur in that section) there shall be substituted the words set out opposite to them in the second column below—:

" the Scottish Act of 1945 "	" the Act of 1972 "
" section 21 "	" section 117 "
" section 24 "	" sections 219 and 220 "
" Schedule 4 "	" sections 226(2) and 227 "
" section 35 of the Scottish Act of 1947 "	" section 102 "
" subsection (1) of the said section 24 "	" section 219(1) "
" section 86 of the Scottish Act of 1947 "	" section 259 "

In section 58(3), for the words "section 113(1) of the Scottish Act of 1947 " there shall be substituted the words " section 275(1) of the Act of 1972 " .

In section 89(6)(b), for the words "section 113(1) of the Scottish Act of 1947 " there shall be substituted the words " section 275(1) of the Act of 1972 " .

In section 99—

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

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- (a) in subsection (1), after the words " the Act of 1971 " means the Town and Country Planning Act 1971 " there shall be inserted the words " ' the Act of 1972' means the Town and Country Planning (Scotland) Act 1972 ";
- (b) in subsection (2)(6), for the words from " Part I" to the end of the paragraph there shall be substituted the words " any of paragraphs 1, 2, 3 and 5 to 9 of Schedule 6 to the Act of 1972, as read with Part III of that Schedule ";
- (c) in subsection (8), for the words from "section 113(1)" to " 1959 (interpretation) " there shall be substituted the words " and section 275(1) (interpretation) of the Act of 1972 " .

In Schedule 15, in paragraph (viii), for the words "section 12(5) of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " section 31 of the Town and Country Planning (Scotland) Act 1972 " .

In Schedule 16, in Part II, for the words "section 27 of the Scottish Act of 1945" there shall be substituted the words " section 118 of the Act of 1972 " and for the words " said section 27 " there shall be substituted the words " said section 118 " .

#### *The Forestry Act 1967 (c. 10)*

In section 9(4)(d), for the words " the Town and Country Planning (Scotland) Act 1947" there shall be substituted the words " the Town and Country Planning (Scotland) Act 1972 " .

In section 35, for the words " section 26 of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " section 58 of the Town and Country Planning (Scotland) Act 1972 " .

In Schedule 3, in paragraph 2, for the words " section 13 of the Town and Country Planning (Scotland) Act 1947" and "the said section 13 " there shall be substituted respectively the words " section 32 of the Town and Country Planning (Scotland) Act 1972 " and " the said section 32 " ; and in paragraph 3, for the words " the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " the Town and Country Planning (Scotland) Act 1972 " .

#### *The Agriculture Act 1967 (c. 22)*

In section 50(3)(b), for the words " section 113(1) of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " section 275(1) of the Town and Country Planning (Scotland) Act 1972 " .

In section 52(2)(g), for the words " the Town and Country Planning (Scotland) Act 1947" there shall be substituted the words " the Town and Country Planning (Scotland) Act 1972 " .

#### *The Civic Amenities Act 1967 (c. 69)*

In section 28(4)—

- (a) in subsection (2) (as substituted for Scotland), for the words from " Subsections (4) " to "entry)" there shall be substituted the words " Subsections (1) to (5) of section 266 of the Scottish Planning Act ", and for the words " subsection (7) of the said section 99 " there shall be substituted the words " subsections (4) and (5) of the said section 266 ";
- (b) in subsection (3) (as substituted for Scotland), for the words " 100 to 102 " there shall be substituted the words " 267 to 270 ", and the words from " other than " to " section 100 " shall be omitted.

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In section 30(1), for the words " 'the Scottish Planning Act' means the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " ' the Scottish Planning Act' means the Town and Country Planning (Scotland) Act 1972 ".

*The Public Expenditure and Receipts Act 1968 (c. 14)*

In Schedule 3, for paragraph 7(a) there shall be substituted:—

“(a) The Town and Country Planning (Scotland) Act 1972 section 134(9)”.

*The Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)*

In section 14(2), for the words "section 34, 35 or 39(3) of the Town and Country Planning (Scotland) Act 1947" there shall be substituted the words " section 102 or 110 of the Town and Country Planning (Scotland) Act 1972 ".

*The Town and Country Planning (Scotland) Act 1969 (c. 30)*

In section 59, after the words "listed building" there shall be inserted the words " (as defined by section 52 of the Town and Country Planning (Scotland) Act 1972) ".

*The Transport Act 1968 (c. 73)*

In section 108—

- (a) in subsection (2), for the words " section 31 of the Town and Country Planning (Scotland) Act 1947 ", " the said Act of 1947" and "the said section 31" there shall be substituted respectively the words " section 63 of the Town and Country Planning (Scotland) Act 1972 " , "the said Act of 1972 " and " the said section 63 " ;
- (b) in subsection (3), for the words " the said Act of 1947 " there shall be substituted the words " the Town and Country Planning (Scotland) Act 1947 " .

In section 112(3)(d). for the words "section 31 of the Town and Country Planning (Scotland) Act 1947 " there shall be substituted the words " section 63 of the Town and Country Planning (Scotland) Act 1972 " .

In section 139(1)(b) and (c), for the words " section 17 of the Town and Country Planning (Scotland) Act 1947 ", " section 38 of the Town and Country Planning (Scotland) Act 1959 " and " section 41 of the said Act of 1959 " there shall be substituted respectively the words " section 169, 177 or 178 of the Town and Country Planning (Scotland) Act 1972 ", " section 182 of the said Act of 1972 " and " section 185 of the said Act of 1972 ".

In section 141(2), for the words "section 113(1) of the Town and Country Planning (Scotland) Act 1947" there shall be substituted the words " section 275(1) of the Town and Country Planning (Scotland) Act 1972 ".

*The Post Office Act 1969 (c. 48)*

In section 58, for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—

" Subsections (4) to (6) and subsection (9) of section 99 of the Town and Country Planning (Scotland) Act 1947 "	" Sections 265(8) and 266(1) to (3) and (6) of the Town and Country Planning (Scotland) Act 1972 "
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" the said section 99 "	" the said section 265 "
" section 99(4) "	" section 266(1) "
" section 99(9) "	" section 265(8) "

In Schedule 4—

- (a) in paragraph 92(1), for the words from " section 70(1)" to "undertakers" and for the words "section 113(1) of the Act of 1947" there shall be substituted respectively the words " section 212(1) of the Town and Country Planning (Scotland) Act 1972 " and " section 211 of that Act "; and in paragraph 92(2), for the words " The said section 70 " there shall be substituted the words " The said section 212 " .
- (b) in paragraph 93(1), sub-paragraphs (iii), (vi), (xvi) and (xxxii) shall be omitted and after sub-paragraph (xxxiii) there shall be inserted—  
“(xxxiv) sections 19, 37, 45, 46, 108(2), 117, 118, 119, 138, 154(3), 170, 171, 172, 175, 181, 195(6), 199(2), 202(3), 205, 212, 214 to 230, 233(7), 242 and 266(6)(b) of, and Schedules 8 and 9, paragraphs 1 to 3 of Schedule 17, and Schedule 18 to, the Town and Country Planning (Scotland) Act 1972”.
- (c) in paragraph 93(2), sub-paragraphs (a), (d), (h) and (r) shall be omitted and after sub-paragraph (s) there shall be inserted—  
“(t) sections 195(6), 214 to 230 and 266(6)(b) of, and Schedule 8 and paragraph 4 of Schedule 18 to, the Town and Country Planning (Scotland) Act 1972”.
- (d) in paragraph 93(4), sub-paragraphs (a), (b) and (i) shall be omitted and after sub-paragraph (j) there shall be inserted—  
“(k) sections 138(3), 154(3) and 214 to 230 of, and Schedule 8 to, the Town and Country Planning (Scotland) Act 1972”.

In Schedule 9—

- (a) in paragraph 27, for the words set out in the first column below (in each place where they occur in that paragraph) there shall be substituted the words set out opposite to them in the second column below:—

" Parts VII and XII of the Town and Country Planning Act 1971 "	" Parts VII and XII of the Town and Country Planning (Scotland) Act 1972 "
" Section 78 of the Town and Country Planning Act 1971 "	" Section 76 of the Town and Country Planning (Scotland) Act 1972 "
" Section 34 of the Town and Country Planning Act 1971 "	" Section 31 of the Town and Country Planning (Scotland) Act 1972 "
" Minister of Housing and Local Government "	" Secretary of State "
" section 70 of the Town and Country Planning (Scotland) Act 1969 "	" section 212 of the Town and Country Planning (Scotland) Act 1972 "
" the Town and Country Planning (Scotland) Act 1947 "	" the Town and Country Planning (Scotland) Act 1972 "
" sections 66 and 67 of the Town and Country Planning (Scotland) Act 1969 "	" sections 38 and 39 of the Town and Country Planning (Scotland) Act 1972 "

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| <p>" Subsections (5) and (7) of section 43 of the Town and Country Planning Act 1971 "</p> <p>" sections 41 and 42 of that Act "</p> | <p>" Subsections (5) and (7) of section 40 of the Town and Country Planning (Scotland) Act 1972 "</p> <p>" sections 38 and 39 of that Act "</p> |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
- (b) in paragraph 28, for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—
- |                                                                                                                                                                                                            |                                                                                                                                                           |
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| <p>" section 83 of the Town and Country Planning (Scotland) Act 1947 "</p> <p>" section 36 of the Town and Country Planning (Scotland) Act 1959 "</p> <p>" the said Act of 1947 " (in paragraph 28(2))</p> | <p>" section 253 of the Town and Country Planning (Scotland) Act 1972 "</p> <p>" section 24 of the said Act of 1972 "</p> <p>" the said Act of 1972 "</p> |
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- (c) in paragraph 29, for the words " section 72(1) of the Town and Country Planning (Scotland) Act 1947 " and " section 15 of the Town and Country Planning (Scotland) Act 1969 " there shall be substituted respectively the words " paragraph 28 of Schedule 22 to the Town and Country Planning (Scotland) Act 1972 " and " section 84 of the said Act of 1972 ".

*The Civil Aviation Act 1971 (c. 75)*

In section 14—

- (a) in subsection (6), for the words " section 220 ", " Act 1971 " and " section 209 " there shall be substituted respectively the words " section 209 " , "(Scotland) Act 1972" and " section 198 " ;
- (b) in subsection 7, for the words " Section 128 " and " Act 1971 " there shall be substituted respectively the words " Section 118 " and " (Scotland) Act 1972 ".

In section 17, for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—

<p>" section 18 or 20 of or paragraph 1 of Schedule 5 to the Town and Country Planning (Scotland) Act 1947 "</p> <p>" the said section 20 "</p> <p>" section 19 of the said Act of 1947 "</p> <p>" section 43 of the Town and Country Planning (Scotland) Act 1954 "</p> <p>" section 17 of the said Act of 1947 "</p> <p>" subsection (1B) or (2) of the said section 17 "</p> <p>" the said section 19 "</p> <p>" Part II of the said Act of 1947 "</p>	<p>" section 153, 154, 158, 176(2) or 226(1) of the Town and Country Planning (Scotland) Act 1972 "</p> <p>" the said section 153 "</p> <p>" section 42 of the said Act of 1972 "</p> <p>" section 157 of the said Act of 1972 "</p> <p>" section 169 of the said Act of 1972 "</p> <p>" section 170(2) or 175(1) of the said Act of 1972 "</p> <p>" the said section 42 "</p> <p>" Part III of the said Act of 1972 " .</p>
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In Schedule 5—



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

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- (a) in paragraph 5, sub-paragraphs (a), (d), (j), (n) and (cc) shall be omitted and after paragraph (ff) there shall be inserted—
  - “(gg) sections 19, 37, 45, 46, 108(2), 117, 118, 119, 138, 154(3), 170, 171, 172, 175, 181, 195(6), 198(3)(b), 199(2), 202(3), 205, 212, 214 to 230, 233(7), 242, 266(6)(b) of, and Schedules 8 and 9, paragraphs 1 to 3 of Schedule 17, and Schedule 18 to, the Town and Country Planning (Scotland) Act 1972”;
- (b) in paragraph 6, sub-paragraphs (a), (c), (e) and (m) shall be omitted and after paragraph (ri) there shall be inserted—
  - “(o) section 195(6), 214 to 230 and 266(6)(b) of, and Schedule 8 and paragraph 4 of Schedule 18 to, the Town and Country Planning (Scotland) Act 1972”;
- (c) in paragraph 7, sub-paragraphs (a), (b) and (h) shall be omitted and after paragraph (i) there shall be inserted—
  - “(j) sections 138(3), 154(3) and 214 to 230 of, and Schedule 8 to, the Town and Country Planning (Scotland) Act 1972”;
- (d) in paragraph 9, for the words " section 70 of the Town and Country Planning (Scotland) Act 1969", "the Town and Country Planning (Scotland) Act 1947 " and " Section 71(2) of the said Act of 1969 " there shall be substituted respectively the words " section 212 of the Town and Country Planning (Scotland) Act 1972 " , " that Act" and " Section 214(2)(b) of the said Act of 1972 " .

#### *The Local Employment Act 1972 (c.5)*

In section 16(3), for paragraph (b) there shall be substituted—

“(b) subsection (8) of section 265 and subsections (1) to (4) and (6) of section 266 of the Town and Country Planning (Scotland) Act 1972,”  
and for the words " 99 respectively " there shall be substituted the words " 265 respectively " .

In section 17(3), for the words " 12(4)" and " 1947" there shall be substituted respectively the words " 65(1) " and " 1972 " .

In section 21(1), in the definition of "industrial building", for the words from " section 21 " to the end of the definition there shall be substituted the words " section 64 of the Town and Country Planning (Scotland) Act 1972 " .

#### *The Town and Country Planning (Amendment) Act 1972 (c. )*

For section 9 there shall be substituted the following section:—

- “9 (1) This section applies to all buildings other than—
- (a) listed buildings, and
  - (b) excepted buildings within the meaning of section 56(2) of the Town and Country Planning (Scotland) Act 1972 (hereinafter in this Act referred to as "the Act of 1972") (buildings, that is to say, excepted from the power of local planning authorities to serve building preservation notices in respect of non-listed buildings).
- (2) If it appears to a local planning authority that, in the interests of preserving the character or appearance of any part of their district which is for the time being a conservation area, there should be power to control the demolition of the buildings therein to which this section applies, or any one or more of those buildings, they may direct that the

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buildings or building in question be subject to control under this section; and while such a direction is in force as respects any building, the provisions of the Act of 1972 specified in Part I of Schedule 3 to this Act shall have effect in relation to the building subject to and in accordance with the provisions of that Part.

- (3) A local planning authority making a direction under subsection (2) above shall forthwith submit it to the Secretary of State for confirmation, and the Secretary of State may confirm the direction in the form in which it is submitted to him, confirm it subject to the exclusion of any building or buildings specified in the confirmation, or refuse to confirm it.
- (4) A direction under subsection (2) above shall come into force on the day on which it is confirmed by the Secretary of State or, if it contains a declaration by the local planning authority that it is expedient that it should have immediate effect, on the day on which it is made.
- (5) A local planning authority may by a direction made under this subsection, which shall not require confirmation by the Secretary of State but shall take effect on the day on which it is made, revoke any direction under subsection (2) above, or vary any such direction so as to exclude any building or buildings therefrom.
- (6) Where a building to which a direction under subsection (2) above relates becomes a listed building or ceases to be in a conservation area, the direction shall cease to be in force as respects that building ; and, in the case of a direction containing such a declaration as is mentioned in subsection (4) above—
  - (a) if during the period of six months beginning with the date on which the direction is made the Secretary of State notifies the local planning authority that he does not propose to confirm it, the direction shall cease to be in force as from the day on which the notification is received by them,
  - (b) if during that period the Secretary of State confirms the direction subject to the exclusion of a specified building or buildings, the direction shall thereupon cease to be in force as respects that building or those buildings,
  - (c) if neither of the above paragraphs applies, the direction shall cease to be in force at the end of that period unless the Secretary of State has by then confirmed it in the form in which it was submitted to him.
- (7) The provisions of Part II of Schedule 3 to this Act shall have effect for the purpose of supplementing the preceding provisions of this section.
- (8) The preceding provisions of this section and the said Schedule 3 shall be construed as one with the Act of 1972.”

In section 10(1), for the words "or, in Scotland, section 1 of the Civic Amenities Act 1967" there shall be substituted the words " or section 262 of the Act of 1972 ".

For Schedule 3 there shall be substituted the following Schedule :—

## “SCHEDULE 3

### PROVISIONS AS TO CONTROL OF DEMOLITION IN CONSERVATION AREAS

#### PART I

##### APPLICATION OF CERTAIN PROVISIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

- 1 Section 53 of the Town and Country Planning (Scotland) Act 1972 (hereinafter referred to as " the Act of 1972 ") (requirement of consent of local planning authority or Secretary of State to works affecting listed buildings) shall apply in relation to any works for the demolition of the building as if it were a listed building, but with the omission of subsections (2)(b) and (3); and subsections (3), (5) and (6) of section 54 of that Act and Parts I and II of Schedule 10 thereto (supplementary) shall apply accordingly in relation to listed building consent for any such works, but—
  - (a) with the said subsection (3) modified by the substitution, for the reference to the desirability of preserving the building or any features of special architectural or historic interest which it possesses, of a reference to the desirability of preserving the character or appearance of the conservation area, and
  - (b) with the omission from the said Parts I and II of paragraph 5, paragraph 6, sub-paragraphs (2) and (3)(6) of paragraph 7 and paragraph 10.
- 2 Sections 92 to 95 of the Act of 1972 (listed building enforcement notices) shall apply in relation to the building as if it were a listed building, but—
  - (a) with section 92(1) modified by the substitution, for the words " the character of the building as one of special architectural or historic interest " , of the words " the character or appearance of the conservation area in which the building is situated " ,
  - (b) with section 93(1) modified by the substitution of the following for paragraph (a)—
    - “(a) that power to control the demolition of the building is not necessary in the interests of preserving the character or appearance of the conservation area in which it is situated”,

and

  - (c) with the omission from section 93(5) of paragraphs (b) and (c).
- 3 Section 161 of the Act of 1972 (compensation) shall have effect on the revocation or modification as mentioned in subsection (1) of that section of any listed building consent granted in respect of the building ; and section 179 of that Act and Schedule 17 thereto (listed building purchase notices) shall have effect where listed building consent in respect of the building is refused, granted subject to conditions, revoked or modified as mentioned in subsection (1) of the said section 179.
- 4 If the building is Crown land, section 253(1)(6) of the Act of 1972 shall have effect with respect to the application of any provision thereto by virtue of this Part of this Schedule.

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

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## PART II

### SUPPLEMENTARY

- 5 On the confirmation by the Secretary of State of any direction made under subsection (2) of section 9 of this Act by a local planning authority, or the making by any local planning authority of a direction under subsection (5) of that section, a copy of the direction and confirmation or of the direction, as the case may be, certified by the clerk of the authority to be a true copy, shall be deposited by that authority with the clerk of any local authority in whose district any building to which the direction relates is situated.

In this paragraph "local authority" means a county council or the town council of a burgh.

- 6 Every local authority with whom a copy of any direction is deposited under paragraph 5 above shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing particulars of any building in their district to which the direction relates.

- 7 A local planning authority making a direction under subsection (2) of the said section 9 containing such a declaration as is mentioned in subsection (4) of that section shall forthwith serve on every person who is an owner, lessee or occupier of any building to which the direction relates a notice stating that the direction has been made and explaining its effect, and, on being notified by the Secretary of State of his decision with respect to confirmation of the direction, shall forthwith notify every such person of the decision and where any direction under the said subsection (2) not containing such a declaration is confirmed by the Secretary of State, or a direction is made under subsection (5) of the said section 9, the local planning authority making the direction shall forthwith serve on every person who is an owner, lessee or occupier of any building affected by the direction a notice stating that the direction has been made and confirmed or, as the case may be, made, and (unless it is a direction under the said subsection (5)) explaining its effect.

- 8 (1) If a direction under subsection (2) of the said section 9 containing such a declaration as is mentioned in subsection (4) of that section ceases to be in force as respects any building by virtue of paragraph (a), (b) or (c) of subsection (6) of that section, then, subject to a claim in that behalf being made to the local planning authority within the prescribed time and in the prescribed manner, any person who at the time when the direction was made had an interest in the building shall be entitled to be paid compensation by the authority in respect of any loss or damage directly attributable to the effect of the direction.

- (2) The loss or damage in respect of which compensation is payable under sub-paragraph (1) above shall include a sum payable in respect of a breach of contract caused by the necessity of countermanding any works to the building on account of the direction being in force with respect thereto.

- 9 (1) The following provisions of this paragraph shall have effect where any direction under sub-paragraph (2) of the said section 9 ceases to be in force as respects any building, but, in the case of sub-paragraph (4), not where the direction ceases to be in force by reason of the building becoming a listed building.

- (2) The fact that the direction has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 53 or 94 of

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

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the Act of 1972 committed by him with respect to the building while the direction was in force.

- (3) Any proceedings on or arising out of an application for listed building consent made while the direction was in force shall lapse, and any listed building consent granted with respect to the building while the notice was in force shall also lapse.
- (4) Any listed building enforcement notice served by the local planning authority while the direction was in force shall cease to have effect, and any proceedings thereon under sections 92 and 93 of the Act of 1972 shall lapse, but section 95(1) and (2) of that Act shall continue to have effect as respects any expenses incurred by the local authority, owner, lessee or occupier as therein mentioned and with respect to any sums paid on account of such expenses.”