



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER II

AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

Applications for listed building consent

12 Duty to notify Secretary of State of applications.

(1) If a planning authority to whom application is made for listed building consent intend to grant such consent they shall [^{F1}, where subsection (1A) applies,] first notify the Secretary of State of the application giving particulars of the works for which the consent is required.

[^{F2}(1A) This subsection applies where—

- (a) regulations, or
- (b) directions given to planning authorities by the Scottish Ministers, provide that the application must be so notified.

(1B) Directions under subsection (1A)(b) may be given to—

- (a) planning authorities generally,
- (b) a particular planning authority, or
- (c) a description of planning authority.]

(2) The Secretary of State may within the period of 28 days beginning with the date of the notification—

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 12 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) direct the reference of the application to him under section 11, or
 - (b) give notice to the authority that he requires further time in which to consider whether to require such a reference.
- (3) The planning authority shall not grant listed building consent until—
- (a) the period mentioned in subsection (2) has expired without the Secretary of State directing the reference of the application to him or giving them notice under paragraph (b) of that subsection, or
 - (b) the Secretary of State has notified them that he does not intend to require the reference of the application.

Textual Amendments

- F1** Words in s. 12(1) inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), **ss. 23(2)(a)**, 31(2) (with [ss. 29, 30](#)); [S.S.I. 2015/31](#), [art. 2](#), [sch.](#); [S.S.I. 2015/196](#), [art. 2](#), [sch.](#)
- F2** S. 12(1A)(1B) inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), **ss. 23(2)(b)**, 31(2) (with [ss. 29, 30](#)); [S.S.I. 2015/31](#), [art. 2](#), [sch.](#); [S.S.I. 2015/196](#), [art. 2](#), [sch.](#)
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Modifications etc. (not altering text)

- C1** S. 12 savings for effects of 2014 asp 19, s. 23 (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\)](#), [arts. 1\(1\), 17](#)
- C2** [Ss. 6-25 applied \(with modifications\) \(1.10.2015\) by The Planning \(Listed Building Consent and Conservation Area Consent Procedure\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/243\)](#), [regs. 1, 15](#), **sch. 3** (with [reg. 2](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1)(aa)-(ad) inserted by [2006 asp 17 s. 55\(5\)](#)