

**2011 No. 374**

**TOWN AND COUNTRY PLANNING**

**The Planning (Listed Buildings) (Prescribed Form of Notices)  
(Scotland) Regulations 2011**

*Made* - - - - - *27th October 2011*

*Laid before the Scottish Parliament* *31st October 2011*

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

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 50G of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Planning (Listed Buildings) (Prescribed Form of Notices) (Scotland) Regulations 2011 and come into force on 1st December 2011.

**Notice of liability for expenses**

2. A notice of liability for expenses(b) is to be in, or as near as may be in, the form set out in Part 1 of the Schedule.

**Notice of renewal**

3. A notice of renewal(c) is to be in, or as near as may be in, the form set out in Part 2 of the Schedule.

**Notice of determination**

4. A notice of determination(d) is to be in, or as near as may be in, the form set out in Part 3 of the Schedule.

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(a) 1997 c.9. Section 50G was inserted by section 26(3) of the Historic Environment (Amendment) (Scotland) Act 2011 (asp 3) (“the 2011 Act”); “prescribed” is defined by section 81(1).

(b) “Notice of liability for expenses” is defined in section 50A(4)(a) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the 1997 Act”) inserted by section 26(3) of the 2011 Act.

(c) “Notice of renewal” is defined in section 50C(2) of the 1997 Act inserted by section 26(3) of the 2011 Act.

(d) “Notice of determination” is defined in section 50D(2) of the 1997 Act inserted by section 26(3) of the 2011 Act.

**Notice of discharge**

5. A notice of discharge<sup>(a)</sup> is to be in, or as near as may be in, the form of notice set out in Part 4 of the Schedule.

St Andrew's House,  
Edinburgh  
27th October 2011

*FIONA HYSLOP*  
A member of the Scottish Executive

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(a) "Notice of discharge" is defined in section 50E(2) of the 1997 Act inserted by section 26(3) of the 2011 Act.

# SCHEDULE

Regulations 2 to 5

## FORMS OF NOTICE

### PART 1

#### FORM OF NOTICE OF LIABILITY FOR EXPENSES

##### *NOTICE OF LIABILITY FOR EXPENSES UNDER SECTION 50A OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997*

This notice gives details of expenses of certain urgent works carried out in relation to the listed building specified in the notice. A person may, on becoming owner of the listed building, be liable by virtue of section 50A of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for any outstanding expenses relating to the works.

**Listed building to which the notice relates:**

*(see note 1 below)*

**Description of the works to which the notice relates:**

*(see note 2 below)*

**Expenses of the works:**

*(see note 3 below)*

**Person giving notice:**

*(see note 4 below)*

**Signature:**

*(see note 5 below)*

**Date of signing:**

*Notes for completion*

*(These notes are not part of the notice)*

**1** Describe the listed building in a way that is sufficient to identify it. Where the building has a postal address, the description must include that address. Where title to the building has been registered in the Land Register of Scotland, the description must refer to the title number of the building or of any larger subjects of which it forms part. Otherwise, the description should refer to and identify a deed recorded in a specific division of the Register of Sasines.

**2** Describe the works in general terms.

**3** Give the amount of the expenses of the works.

**4** Give the name and address of the planning authority or, as the case may be, the person acting for the Scottish Ministers applying for registration of the notice.

**5** The notice must be signed for or on behalf of the planning authority or the Scottish Ministers as appropriate.

## PART 2

### FORM OF NOTICE OF RENEWAL

#### *NOTICE OF RENEWAL UNDER SECTION 50C OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997*

This notice gives details of expenses of certain urgent works carried out in relation to the listed building specified in the notice. A person may, on becoming owner of the listed building, be liable by virtue of section 50A of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for any outstanding expenses relating to the works. The amount relates to works in respect of which a notice of liability for expenses has been registered.

**Listed building to which the notice relates:**

*(see note 1 below)*

**Description of the works to which the notice relates:**

*(see note 2 below)*

**Expenses of the works:**

*(see note 3 below)*

**Notice of liability for expenses to which the notice of renewal relates:**

*(see note 4 below)*

**Person giving notice:**

*(see note 5 below)*

**Signature:**

*(see note 6 below)*

**Date of signing:**

*Notes for completion*

*(These notes are not part of the notice)*

- 1** Describe the listed building in a way that is sufficient to identify it. Where the building has a postal address, the description must include that address. Where title to the building has been registered in the Land Register of Scotland, the description must refer to the title number of the building or of any larger subjects of which it forms part. Otherwise, the description should refer to and identify a deed recorded in a specific division of the Register of Sasines.
- 2** Describe the works in general terms.
- 3** Give the amount of the expenses of the works.
- 4** Give details of the notice of liability for expenses to which the notice of renewal relates by reference to its date of registration in the Land Register of Scotland or the date of its recording in the Register of Sasines.
- 5** Give the name and address of the planning authority or, as the case may be, the person acting for the Scottish Ministers applying for registration of the notice.
- 6** The notice must be signed for or on behalf of the planning authority or the Scottish Ministers as appropriate.

## PART 3

### FORM OF NOTICE OF DETERMINATION

#### *NOTICE OF DETERMINATION UNDER SECTION 50D OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997*

This notice specifies the amount recoverable in a notice given by the Scottish Ministers under section 50(5) of the Planning (Listed Buildings and Conservations Areas) (Scotland) Act 1997. The amount relates to works in respect of which a notice of liability for expenses has been registered.

**Amount recoverable:**

*(see note 1 below)*

**Listed building to which the notice relates:**

*(see note 2 below)*

**Description of the works to which the notice relates:**

*(see note 3 below)*

**Notice of liability for expenses to which the amount recoverable relates:**

*(see note 4 below)*

**Person giving notice:**

*(see note 5 below)*

**Signature:**

*(see note 6 below)*

**Date of signing:**

*Notes for completion*

*(These notes are not part of the notice)*

- 1** Enter the amount specified in the Scottish Ministers' determination under section 50(5) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in respect of representations made to them under section 50(4) of that Act.
- 2** Describe the listed building in the same way as it is described in the notice of liability for expenses.
- 3** Describe the works in the same way as they were described in the notice of liability for expenses.
- 4** Give details of the notice of liability for expenses to which the amount recoverable relates by reference to its date of registration in the Land Register of Scotland or the date of its recording in the Register of Sasines.
- 5** Give the name and address of the planning authority or, as the case may be, the person acting for the Scottish Ministers applying for registration of the notice.
- 6** The notice must be signed for or on behalf of the planning authority or the Scottish Ministers as appropriate.

## PART 4

### FORM OF NOTICE OF DISCHARGE

*NOTICE OF DISCHARGE OF A [NOTICE OF LIABILITY FOR EXPENSES] [NOTICE OF RENEWAL]\* UNDER SECTION 50E OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997*

This notice discharges the [notice of liability for expenses] [notice of renewal]\* described below.

**[Notice of liability for expenses] [notice of renewal]\* discharged:**  
(see note 1 below)

**Listed building to which the notice relates:**  
(see note 2 below)

**Description of the works to which the notice relates:**  
(see note 3 below)

**Person giving notice:**  
(see note 4 below)

**Signature:**  
(see note 5 below)

**Date of signing:**

*Notes for completion*

*(These notes are not part of the notice)*

*\* delete as inappropriate*

- 1** Give details of the notice of liability for expenses or the notice of renewal as appropriate being discharged by reference to its date of registration in the Land Register of Scotland or the date of its recording in the Register of Sasines.
- 2** Describe the listed building in the same way as it is described in the notice of liability for expenses or the notice of renewal as appropriate.
- 3** Describe the works in the same way as they were described in the notice of liability for expenses or the notice of renewal as appropriate.
- 4** Give the name and address of the planning authority or, as the case may be, the person acting for the Scottish Ministers applying for registration of the notice.
- 5** The notice must be signed for or on behalf of the planning authority or the Scottish Ministers as appropriate.

## **EXPLANATORY NOTE**

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

These Regulations prescribe the following Forms of Notice under sections 50A to 50E of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as inserted by section 26(3) of the Historic Environment (Amendment) (Scotland) Act 2011—

- (a) a notice of liability for expenses under section 50A;
- (b) a notice of renewal under section 50C;
- (c) a notice of determination under section 50D; and
- (d) a notice of discharge under section 50E.

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SCOTTISH STATUTORY INSTRUMENTS

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