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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 378**

**The Town and Country Planning (Appeals)  
(Scotland) Amendment Regulations 2011**

**Amendment of regulation 1 (citation, commencement and application)**

**3. In regulation 1 (citation, commencement and application)—**

(a) after paragraph (2) insert—

“(2A) These Regulations apply as specified in paragraph (5) to appeals made under—

- (a) section 18(1) of the Listed Buildings Act (appeals against refusal of or conditional consent to applications for listed building consent or against refusal of approval required by a condition);
- (b) section 18(2) of the Listed Buildings Act (appeals in default of decision on application for listed building consent or for approval required by a condition);
- (c) section 18(1) and (2) of the Listed Buildings Act as applied by—
  - (i) section 17 of that Act (applications for variation or discharge of conditions); or
  - (ii) section 66 of that Act (control of demolition of buildings in conservation areas);
- (d) section 35 of the Listed Buildings Act (appeals against listed building enforcement notices); and
- (e) section 35 of the Listed Buildings Act as applied by section 66 of that Act (appeals against enforcement notices in respect of the demolition of buildings in conservation areas),

where notice of appeal is given to the Scottish Ministers under section 19(1) or 35(2) of the Listed Buildings Act, as the case may be, on or after 1st December 2011.”.

(b) for paragraph (3)(b) substitute—

“(b) apply to appeals under sections 130, 169 and 180 of the Act in accordance with regulation 13(5);”;

(c) after paragraph (4) insert—

“(5) These Regulations apply—

- (a) to a delegated appeal under section 18 of the Listed Buildings Act in accordance with regulation 15A(4);
- (b) to an appeal under section 35 of the Listed Buildings Act in accordance with regulation 13(5); and
- (c) to a non-delegated appeal in accordance with regulation 18.

(6) These Regulations apply in accordance with regulation 17 to applications referred to the Scottish Ministers following a direction under section 11(1) (reference of certain applications to the Scottish Ministers) of the Listed Buildings Act given on or after 1st December 2011.”.