

Status: Point in time view as at 28/11/2004.

Changes to legislation: Housing (Scotland) Act 1987, PART I is up to date with all changes known to be in force on or before 11 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)

SCHEDULES

SCHEDULE 7

PART I

CONSENT TO DEMOLITION OF LISTED BUILDINGS IN HOUSING ACTION AREAS, ETC.

Buildings subject to compulsory purchase orders for demolition subsequently listed

- 1 (1) In this paragraph, references to a compulsory purchase order are to a compulsory purchase order made under the provisions of Part IV in so far as the order relates to a building acquired for demolition under those provisions.
- (2) Where a building to which a compulsory purchase order applies is (at any time after the making of the order) included in a list of buildings of special architectural or historic interest under [F1section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] or under any corresponding enactment repealed by that Act, the local authority making the order or its successor in the exercise of its functions relating to the order may, subject to sub-paragraph (3), apply to the Secretary of State (and only to him) under [F1sections 6 to 8 of the said Act of 1997] for consent to the demolition of the building.
- (3) No such application may be made by virtue of sub-paragraph (2) after the expiry of the period of 3 months beginning with the date on which the building is included on the said list.
- (4) The following provisions of this paragraph shall have effect where—
- (a) an application for consent has been made under [F2the said sections 6 to 8], by virtue of sub-paragraph (2), and has been refused, or
 - (b) the period of 3 months mentioned in sub-paragraph (3) has expired without the authority having made such an application,
- and in this paragraph “relevant date” means the date of the refusal or, as the case may be, of the expiry of the period of 3 months.
- (5) If, at the relevant date—
- (a) the building has not vested in the authority, and
 - (b) no notice to treat has been served by the authority under section 17 of the M1Lands Clauses Consolidation (Scotland) Act 1845, in respect of any interest in the building,
- the compulsory purchase order shall cease to have effect in relation to the building and, where applicable, the building shall cease to be comprised in a housing action area.

Status: Point in time view as at 28/11/2004.

Changes to legislation: Housing (Scotland) Act 1987, PART I is up to date with all changes known to be in force on or before 11 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)

- (6) Where a compulsory purchase order ceases to have effect, by virtue of sub-paragraph (5), in relation to a house which does not meet the tolerable standard, the authority concerned shall, in respect of the house, forthwith—
- (a) serve a notice under section 108 (power of local authority to secure repair of house in state of serious disrepair), or
 - (b) make a closing order under Part VI,
- whichever is appropriate.
- (7) Where sub-paragraph (5) does not apply, the authority shall cease to be subject to the duty to demolish the building, and in relation to any interest in the building which at the relevant date has not vested in the authority the compulsory purchase order shall have effect as if—
- (a) in the case of a house, it had been made and confirmed under Part I, and
 - (b) in any other case, it had been made and confirmed under [^{F3}Part VIII of the Town and Country Planning (Scotland) Act 1997].
- (8) If the building, or any interest in the building, was vested in the authority at the relevant date, it shall be treated—
- (a) in the case of a house, as appropriated to the purposes of Part I, and
 - (b) in any other case, as appropriated to the purposes of [^{F4}Part VIII of the said Act of 1997].
- (9) As respects a building falling within sub-paragraph (2), where no notice to treat has, at the date on which the building is included in the list referred to in that sub-paragraph, been served under section 17 of the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845, the authority shall not serve such a notice until after the relevant date.

Textual Amendments

- F1** Words in Sch. 7 para. 1(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(5)(a)
- F2** Words in Sch. 7 para. 1(4)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(5)(b)
- F3** Words in Sch. 7 para. 1(7)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(5)(c)
- F4** Words in Sch. 7 para. 1(8)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(5)(d)

Marginal Citations

- M1** 1845 c. 19.
- M2** 1845 c. 19.

Buildings acquired by agreement for demolition subsequently listed

- 2 (1) Where Part IV applies to a building purchased by a local authority by agreement, and at any time the building is included in a list of buildings of special architectural or historic interest under [^{F5}section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] or under any corresponding enactment repealed by that Act, the authority or its successor in the exercise of the powers conferred by Part IV may, subject to sub-paragraph (2), apply to the Secretary of State (and only to him) under [^{F5}the said sections 6 to 8] for consent to the demolition of the building.

Status: Point in time view as at 28/11/2004.

Changes to legislation: Housing (Scotland) Act 1987, PART I is up to date with all changes known to be in force on or before 11 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)

- (2) No such application may be made by virtue of sub-paragraph (1) after the expiry of the period of 3 months beginning with the date on which the building is included on the said list.
- (3) Where—
- (a) an application for consent has been made under [^{F6}the said sections 6 to 8], by virtue of sub-paragraph (1), and has been refused, or
 - (b) the period of 3 months mentioned in sub-paragraph (2) has expired without the authority having made such an application,
- the authority shall cease to be subject to the duty imposed by Part IV to demolish the building, which shall be treated—
- (i) in the case of a house, as appropriated to the purposes of Part I of this Act, and
 - (ii) in any other case, as appropriated to the purposes of [^{F6}Part VIII of the Town and Country Planning (Scotland) Act 1997].

Textual Amendments

F5 Words in Sch. 7 para. 2(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(6)(a)

F6 Words in Sch. 7 para. 2(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 40(6)(b)

Status:

Point in time view as at 28/11/2004.

Changes to legislation:

Housing (Scotland) Act 1987, PART I is up to date with all changes known to be in force on or before 11 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.