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

## CHAPTER 9

### PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

#### PART I

#### LISTED BUILDINGS

#### CHAPTER I

#### LISTING OF SPECIAL BUILDINGS

- 1 Listing of buildings of special architectural or historic interest.
- 1A Publication of lists and notification of listing etc.
- 2 Publication of lists.
- 3 Temporary listing: building preservation notices.
- 4 Temporary listing in urgent cases.
- 5 Provisions applicable on lapse of building preservation notice.
- 5A Certificate that building not intended to be listed
- 5B Appeal against listing of buildings
- 5C Determination of appeals under section 5B
- 5D Procedure for appeals under section 5B

#### CHAPTER II

#### AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

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### *Control of works in respect of listed buildings*

- 6 Restriction on works affecting listed buildings.
- 7 Authorisation of works: listed building consent.
- 8 Offences.

### *Applications for listed building consent*

- 9 Making of applications for listed building consent.
- 10 Certificates as to interests in listed building etc.
- 10A Declining to determine an application
- 11 Reference of certain applications to Secretary of State.
- 12 Duty to notify Secretary of State of applications.
- 13 Directions concerning notification of applications etc.
- 14 Decision on application.

### *Grant of consent subject to conditions*

- 15 Power to impose conditions on grant of listed building consent.
- 16 Limit of duration of listed building consent.
- 17 Application for variation or discharge of conditions.

### *Appeals*

- 18 Right to appeal against decision or failure to take decision.
- 19 Appeals: supplementary provisions.
- 20 Determination of appeals.

### *Revocation and modification of consent*

- 21 Revocation and modification of listed building consent by planning authority.
- 22 Procedure for section 21 orders: opposed cases.
- 23 Procedure for section 21 orders: unopposed cases.
- 24 Revocation and modification of listed building consent by Secretary of State.

## **CHAPTER III**

### **RIGHTS OF OWNERS ETC.**

#### *Compensation*

- 25 Compensation where listed building consent revoked or modified.
- 26 Compensation for loss or damage caused by service of building preservation notice.
- 27 General provisions as to compensation for depreciation under this Part.

#### *Listed building purchase notices*

- 28 Purchase notice on refusal or conditional grant of listed building consent.
- 28A Purchase notices: Crown land
- 29 Action by planning authority on whom listed building purchase notice served.

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- 30 Procedure on reference of listed building purchase notice to Secretary of State.
- 31 Action by Secretary of State in relation to listed building purchase notice.
- 32 Effect of Secretary of State's action in relation to listed building purchase notice.
- 33 Reduction of compensation on acquisition where section 25 compensation payable.

## CHAPTER IV

### ENFORCEMENT

- 34 Power to issue listed building enforcement notice.
- 35 Appeal against listed building enforcement notice.
- 36 Appeals: supplementary provisions.
- 37 Determination of appeals under section 35.
- 38 Execution of works required by listed building enforcement notice.
- 39 Offence where listed building enforcement notice not complied with.
- 39A Fixed penalty notice where listed building enforcement notice not complied with
- 40 Effect of listed building consent on listed building enforcement notice.
- 41 Enforcement by Secretary of State.

#### *Stop notices*

- 41A Stop notices
- 41B Stop notices: supplementary provisions
- 41C Power of the Scottish Ministers to serve stop notice
- 41D Compensation for loss due to stop notice
- 41E Penalties for contravention of stop notice

#### *Temporary stop notices*

- 41F Temporary stop notices
- 41G Temporary stop notices: restrictions
- 41H Temporary stop notices: offences
- 41I Temporary stop notices: compensation

## CHAPTER V

### PREVENTION OF DETERIORATION AND DAMAGE

#### *Compulsory acquisition of listed building in need of repair*

- 42 Compulsory acquisition of listed building in need of repair.
- 43 Repairs notice as preliminary to acquisition under section 42.
- 44 Compensation on compulsory acquisition of listed building.
- 45 Minimum compensation in case of listed building deliberately left derelict.
- 46 Ending of rights over land compulsorily acquired.

#### *Acquisition by agreement*

- 47 Acquisition of land by agreement.

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### *Management of acquired buildings*

- 48 Management of listed buildings acquired under this Act.

### *Urgent preservation*

- 49 Urgent works to preserve unoccupied listed buildings.  
 50 Recovery of expenses of works under section 49.

### *Liability of owner and successors for expenses of works executed under section 49*

- 50A Liability of owner and successors for expenses of works executed under section 49  
 50B Notice of liability for expenses: further provision  
 50C Notices of renewal  
 50D Notice of determination following representations under section 50  
 50E Discharge of notice of liability for expenses and notice of renewal  
 50F Meaning of “register” in relation to notices  
 50G Power to prescribe forms

### *Grants for repair and maintenance*

- 51 Power of local authority to contribute to preservation of listed buildings etc.  
 52 Recovery of grants under section 51.

### *Damage to listed buildings*

- 53 Acts causing or likely to result in damage to listed buildings.

## **CHAPTER VI**

### MISCELLANEOUS AND SUPPLEMENTAL

#### *Exceptions for church buildings and ancient monuments*

- 54 Exceptions for ecclesiastical buildings.  
 55 Exceptions for ancient monuments etc.

#### *Local authority notices and works affecting listed buildings*

- 56 Intimation of local authority notices etc. affecting listed buildings.

#### *Validity of instruments, decisions and proceedings*

- 57 Validity of certain orders and decisions.  
 58 Proceedings for questioning validity of other orders, decisions and directions.

#### *Special considerations affecting planning functions*

- 59 General duty as respects listed buildings in exercise of planning functions.  
 60 Publicity for applications affecting setting of listed buildings.

## **PART II**

### CONSERVATION AREAS

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### *Designation*

- 61 Designation of conservation areas.
- 62 Designation of conservation areas: supplementary provisions.

### *General duties of planning authorities*

- 63 Proposals for preservation and enhancement of conservation areas.
- 64 General duty as respects conservation areas in exercise of planning functions.
- 65 Publicity for applications affecting conservation areas.

### *Control of demolition*

- 66 Control of demolition in conservation areas.
- 67 Cases in which section 66 does not apply.
- 68 Urgent works to preserve unoccupied buildings in conservation areas.

### *Grants*

- 69 Grants and loans for preservation or enhancement of conservation areas.
- 70 Recovery of grants under section 69.

### *Town schemes*

- 71 Town scheme agreements.
- 72 Grants for repairing of buildings in town schemes.

## **PART III**

### **GENERAL**

### *Special cases*

- 73 Application of Act to land and works of planning authorities.
- 73A Application to the Crown
- 73B Urgent works relating to Crown land: application
- 73C Expressions relating to the Crown
- 73D Enforcement in relation to the Crown
- 73E Reference to an interest in land
- 73F Applications for listed building or conservation area consent by Crown
- 74 Exercise of powers in relation to Crown land.
- 75 Application for listed building or conservation area consent in anticipation of disposal of Crown land.

### *Miscellaneous provisions*

- 76 Rights of entry.
- 77 Power to issue warrant.
- 78 Rights of entry: supplementary provisions.
- 78A Rights of entry: Crown land
- 79 Application of certain general provisions of principal Act.
- 80 Financial provisions.

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## PART IV

### SUPPLEMENTAL

- 81 Interpretation.
- 82 Regulations and orders.
- 83 Short title, commencement and extent.

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### SCHEDULES

#### SCHEDULE 1 — Buildings formerly subject to building preservation orders

- 1 Subject to paragraph 2, every building which immediately before 3rd...
- 2 (1) Historic Environment Scotland may at any time direct that...
- 3 In the case of a building to which paragraph 1...

#### SCHEDULE 2 — Lapse of building preservation notice

- 1 This Schedule applies where a building preservation notice ceases to...
- 2 The fact that the notice has ceased to be in...
- 3 Any proceedings on or arising out of an application for...
- 4 (1) Any listed building enforcement notice served by the planning...

#### SCHEDULE 3 — Determination of certain appeals by person appointed by Secretary of State

##### *Determination of appeals by appointed person*

- 1 (1) The Secretary of State may by regulations prescribe classes...

##### *Powers and duties of appointed person*

- 2 (1) An appointed person shall have the same powers and...

##### *Determination of appeals by Secretary of State*

- 3 (1) The Secretary of State may, if he thinks fit,...
- 4 (1) The Secretary of State may by a further direction...

##### *Appointment of another person to determine appeal*

- 5 (1) At any time before the appointed person has determined...

##### *Local inquiries and hearings*

- 6 (1) Whether or not the parties to an appeal have...

##### *Supplementary provisions*

- 7 (1) The Tribunals and Inquiries Act 1992 shall apply to...

### — TABLE OF DERIVATIONS

- 1. This Table shows the derivation of the provisions of...
- Notes
- 2. The following abbreviations are used in the Table—
- 3. The Table does not show the effect of Transfer...
- 4. The Table does not give details of the effect...

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5. “Sc Law Com Rec No.” followed by a number...

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