



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER II

AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

Control of works in respect of listed buildings

6 Restriction on works affecting listed buildings

Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

7 Authorisation of works: listed building consent

- (1) Works for the alteration or extension of a listed building are authorised if—
 - (a) the planning authority or the Secretary of State has granted written consent for the execution of the works, and
 - (b) the works are executed in accordance with the terms of the consent and of any conditions attached to it.
- (2) Works for the demolition of a listed building are authorised if—
 - (a) such consent has been granted for their execution,
 - (b) notice of the proposal to execute the works has been given to the Royal Commission,

Status: This is the original version (as it was originally enacted).

- (c) after such notice has been given either—
 - (i) for a period of at least 3 months following the grant of listed building consent, and before the commencement of the works, reasonable access to the building has been made available to members or officers of the Commission for the purpose of recording it, or
 - (ii) the Secretary of the Commission or other officer of theirs with authority to act on their behalf for the purposes of this section has stated in writing that they have completed their recording of the building or that they do not wish to record it, and
 - (d) the works are executed in accordance with the terms of the consent and of any conditions attached to it.
- (3) Where—
- (a) works for the alteration, extension or demolition of a listed building have been executed without such consent, and
 - (b) written consent is granted by the planning authority or the Secretary of State for the retention of the works,
- the works are authorised from the grant of that consent.
- (4) In this section “the Royal Commission” means the Royal Commission on the Ancient and Historical Monuments of Scotland.
- (5) The Secretary of State may by order provide that subsection (2) shall have effect with the substitution for the reference to the Royal Commission of a reference to such other body as may be so specified.
- (6) Such an order shall apply in the case of works executed or to be executed on or after such date as may be specified in the order.
- (7) Consent under subsection (1), (2) or (3) is referred to in this Act as “listed building consent”.

8 Offences

- (1) If a person contravenes section 6 he shall be guilty of an offence.
- (2) Without prejudice to subsection (1), if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent, he shall be guilty of an offence.
- (3) In proceedings for an offence under this section it shall be a defence to prove the following matters—
 - (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building,
 - (b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter,
 - (c) that the works carried out were limited to the minimum measures immediately necessary, and
 - (d) that notice in writing justifying in detail the carrying out of the works was given to the planning authority as soon as reasonably practicable.
- (4) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding £20,000, or both, or
 - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.
- (5) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.