



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

## 1997 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER VI

##### MISCELLANEOUS AND SUPPLEMENTAL

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

#### **54 Exceptions for ecclesiastical buildings.**

- (1) The provisions mentioned in subsection (2) shall not apply to any ecclesiastical building which is for the time being used for ecclesiastical purposes.
- (2) Those provisions are sections 3, 4, 6 to 8, 42, 49 and 53.
- (3) For the purposes of subsection (1), a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.
- (4) For the purposes of sections 6 to 8 a building shall be taken to be used for the time being for ecclesiastical purposes if it would be so used but for the works in question.
- (5) The Secretary of State may by order provide for restricting or excluding the operation of subsections (1) to (3) in such cases as may be specified in the order.
- (6) An order under subsection (5) may—
  - (a) make provision for buildings generally, for descriptions of building or for particular buildings;

*Status: Point in time view as at 27/05/1997.*

**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Cross Heading: Exceptions for church buildings and ancient monuments is up to date with all changes known to be in force on or before 01 July 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)

- (b) make different provision for buildings in different areas, for buildings of different religious faiths or denominations or according to the use made of the building;
- (c) make such provision in relation to a part of a building (including, in particular, an object or structure falling to be treated as part of the building by virtue of section 1(4)) as may be made in relation to a building and make different provision for different parts of the same building;
- (d) make different provision with respect to works of different descriptions or according to the extent of the works;
- (e) make such consequential adaptations or modifications of the operation of any other provision of this Act or the principal Act, or of any instrument made under either of those Acts, as appear to the Secretary of State to be appropriate.

(7) Subsections (5) and (6) are without prejudice to the <sup>M1</sup>Church of Scotland Act 1921.

**Marginal Citations**

**M1** 1921 c. 29.

**55 Exceptions for ancient monuments etc.**

- (1) The provisions mentioned in subsection (2) shall not apply to any building for the time being included in the Schedule of monuments compiled and maintained under section 1 of the <sup>M2</sup>Ancient Monuments and Archaeological Areas Act 1979.
- (2) Those provisions are sections 3, 4, 6 to 8, 42, 49 and 53.

**Marginal Citations**

**M2** 1979 c. 46.

**Status:**

Point in time view as at 27/05/1997.

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Cross Heading: Exceptions for church buildings and ancient monuments is up to date with all changes known to be in force on or before 01 July 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.