



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER II

AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

Grant of consent subject to conditions

16 Limit of duration of listed building consent.

- (1) [F1 A listed building consent lapses—
- (a) on the expiration of such period (beginning with the date on which the consent is granted) as the planning authority may, for the purposes of this section, specify in the consent, or
 - (b) if no period is so specified, on the expiration of a period of 3 years (beginning with that date),

unless the works permitted by the consent are begun before that expiration.

(1A) Subsection (1) does not apply to a listed building consent granted before the date on which section 20 of the Planning etc. (Scotland) Act 2006 came into force.

- (2) For the purposes of sections 18(1)(a) and 19(1) and (2)(a)—
- (a) any such specification as is mentioned in subsection (1)(a), or
 - (b) the effect of subsection (1) as that subsection applies in consequence of the authority electing not to make such a specification,
- is to be treated as a condition subject to which the application is granted.]

Status: Point in time view as at 27/05/2020. This version of this provision has been superseded.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 16 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)

- (3) Nothing in this section applies to any consent to the retention of works granted under section 7(3).
- (4) The date of the granting or of the refusal of an application for listed building consent shall be the date on which the notice of the planning authority's decision bears to have been signed on behalf of the authority.
- [^{F2}(5) During the emergency period, a listed building consent that would lapse under subsection (1)(a) or (b) lapses instead at the end of the extended period, unless the works permitted by the consent are begun before the end of that period.
- (6) In subsection (5)—
- “emergency period” means the period beginning with the date on which paragraph 2(2) of schedule 4 of the Coronavirus (Scotland) (No.2) Act 2020 came into force and ending on 6 October 2020,
- “extended period” means the period beginning with the date on which paragraph 2(2) of schedule 4 of the Coronavirus (Scotland) (No.2) Act 2020 came into force and ending on 6 April 2021.]
- [^{F3}(7) The Scottish Ministers may by regulations amend the definition of “emergency period” or “extended period” in subsection (6).]

Textual Amendments

- F1** S. 16(1)(1A)(2) substituted for s. 16(1)(2) (12.12.2008 for specified purposes, 1.12.2011 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 20(3)**, 59(2); S.S.I. 2008/411, art. 2(2)(3)(a); S.S.I. 2011/382, art. 2(1)(2)(a)
- F2** S. 16(5)(6) inserted (27.5.2020) by [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), s. 16(1), **sch. 4 para. 2(2)** (with s. 9) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), **s. 9(1)**)
- F3** S. 16(7) inserted (temp.) (27.5.2020) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), s. 16(1), **sch. 4 para. 2(3)** (with s. 9) (which affecting provision expires (1.10.2022) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), **s. 9(1)**)

Modifications etc. (not altering text)

- C1** S. 16 savings for effects of 2006 asp 17, s. 20(3) (1.12.2011) by [The Planning etc. \(Scotland\) Act 2006 \(Listed Buildings\) \(Saving Provisions\) Order 2011](#) (S.S.I. 2011/381), arts. 1(1), **2**
- C2** Ss. 6-25 applied (with modifications) (1.10.2015) by [The Planning \(Listed Building Consent and Conservation Area Consent Procedure\) \(Scotland\) Regulations 2015](#) (S.S.I. 2015/243), regs. 1, 15, **sch. 3** (with reg. 2)

Status:

Point in time view as at 27/05/2020. This version of this provision has been superseded.

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 16 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.