



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER IV

ENFORCEMENT

[^{F1}Temporary stop notices

[^{F1}41H Temporary stop notices: offences

- (1) A person who contravenes a temporary stop notice—
 - (a) which has been served on the person, or
 - (b) a copy of which has been displayed in pursuance of section 41F(4),is guilty of an offence.
- (2) Contravention of a temporary stop notice includes causing or permitting its contravention.
- (3) An offence under this section may be charged by reference to a day or to a longer period of time.
- (4) A person may, in relation to the same temporary stop notice, be convicted of more than one offence under this section by reference to different days or different periods.
- (5) It is a defence in any proceedings under this section that—
 - (a) the temporary stop notice was not served on the accused, and

Status: Point in time view as at 01/12/2011. This version of this provision has been superseded.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 41H is up to date with all changes known to be in force on or before 12 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) the accused did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person convicted of an offence under this section is liable—
- (a) on summary conviction, to a fine not exceeding £20,000,
 - (b) on conviction on indictment, to a fine.
- (7) In determining the amount of the fine, the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the execution of the works which constituted the offence.]

Textual Amendments

- F1** Ss. 41A-41I and cross-headings inserted (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 23(1), 33(2)**; [S.S.I. 2011/174, art. 2, sch.](#); [S.S.I. 2011/372, art. 2, Sch.](#)

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