



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

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.

- (1) If it appears to the Secretary of State that reasonable steps are not being taken for properly preserving a listed building, he—
 - (a) may authorise the planning authority for the district in which the building is situated to acquire compulsorily under this section the building and any relevant land, or
 - (b) may himself compulsorily acquire them under this section.
- (2) The Secretary of State shall not make or confirm a compulsory purchase order for the acquisition of any building by virtue of this section unless he is satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose.
- (3) The ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory acquisition of land under this section and accordingly shall have effect—
 - (a) as if this section had been in force immediately before the commencement of that Act, and

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 42 is up to date with all changes known to be in force on or before 22 May 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) View outstanding changes

- (b) as if references in it to the Minister of Transport and to the enactments specified in section 1(1)(b) of that Act included respectively references to the Secretary of State and to this section.
- (4) Any person having an interest in a building which it is proposed to acquire compulsorily under this section may, within 28 days after the service of the notice required to be served under paragraph 3(b) of Schedule 1 to that Act of 1947, apply to the sheriff for an order prohibiting further proceedings on the compulsory purchase order.
- (5) If on an application under subsection (4) the sheriff is satisfied that reasonable steps have been taken for properly preserving the building, he shall make an order accordingly.
- (6) Any person aggrieved by the decision of the sheriff on an application under subsection (4) may appeal against the decision to the Court of Session, but only on a question of law.
- [^{F1}(6A) This section does not permit the acquisition of any interest in Crown land unless—
- (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
 - (b) the appropriate authority consents to the acquisition.]
- (7) In this section “relevant land”, in relation to any building, means the land comprising or contiguous or adjacent to it which appears to the Secretary of State to be required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.

Textual Amendments

F1 S. 42(6A) inserted (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), [Sch. 5 para. 5](#) (with s. 111); S.S.I. 2006/268, art. 3(f)

Marginal Citations

M1 1947 c. 42.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1)(aa)-(ad) inserted by [2006 asp 17 s. 55\(5\)](#)