



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

43 Repairs notice as preliminary to acquisition under section 42

- (1) The compulsory purchase of a building under section 42 shall not be started by the planning authority or by the Secretary of State unless at least 2 months previously the authority or, as the case may be, the Secretary of State has served on the owner of the building a notice under this section (in this section referred to as a “repairs notice”)—
 - (a) specifying the works which the authority or, as the case may be, the Secretary of State considers reasonably necessary for the proper preservation of the building, and
 - (b) explaining the effect of sections 42 to 45, and the repairs notice has not been withdrawn.
- (2) Where—
 - (a) a building is demolished after a repairs notice has been served in respect of it by a planning authority or the Secretary of State, but
 - (b) the Secretary of State is satisfied that he would have confirmed or, as the case may be, would have made a compulsory purchase order in respect of the building had it not been demolished,

Status: This is the original version (as it was originally enacted).

the demolition of the building shall not prevent the authority or the Secretary of State from being authorised under section 42 to acquire compulsorily the site of the building.

- (3) A planning authority or the Secretary of State may at any time withdraw a repairs notice served by them or him on any person and shall, in that event, immediately give him notice of the withdrawal.
- (4) Where a repairs notice has been served on a person in respect of a building, he shall not be entitled to serve a listed building purchase notice in respect of it until the expiration of 3 months beginning with the date of the service of the repairs notice or, if during that period the compulsory acquisition of the building is begun under section 42, unless and until the compulsory acquisition is discontinued.
- (5) For the purposes of this section a compulsory acquisition—
 - (a) is started when the planning authority or the Secretary of State, as the case may be, serves the notice required by paragraph 3(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and
 - (b) is discontinued—
 - (i) in the case of acquisition by the Secretary of State, when he decides not to make the compulsory purchase order, and
 - (ii) in any other case, where the order is withdrawn or the Secretary of State decides not to confirm it.