



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

## 1997 CHAPTER 9

### PART III

#### GENERAL

#### *Special cases*

#### **[<sup>F1</sup>73D Enforcement in relation to the Crown**

- (1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act; but the Court of Session may on the application of a public authority or office-holder responsible for the enforcement of anything required to be done, or prohibited, by or under this Act, declare unlawful any act or omission so done or suffered.
- (2) A planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.
- (3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.
- (4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.
- (5) A step taken for the purposes of enforcement includes—
  - (a) entering land,
  - (b) initiating proceedings,
  - (c) the making of an application.
- (6) A step taken for the purposes of enforcement does not include—
  - (a) service of a notice,
  - (b) the making of an order (other than a court order).]

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**Status:** Point in time view as at 11/05/2006.

**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 73D is up to date with all changes known to be in force on or before 06 June 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)

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#### Textual Amendments

- F1** Ss. 73D, 73E inserted (11.5.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [ss. 94\(4\), 121\(4\)](#) (with [s. 111](#)); [S.S.I. 2006/243](#), art. 3

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