

*These notes relate to the Building (Scotland) Act 2003
(asp 8) which received Royal Assent on 26 March 2003*

BUILDING (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT - AN OVERVIEW

Part 5: General

Section 35: Scheduled monuments, listed buildings etc.

104. *Subsection (2)* places a duty on local authorities to consult before serving notices under Parts 3 and 4 of the Act on persons in relation to the types of buildings listed in *subsection (1)* or carrying out work to a dangerous building of any of those types. For example, where a listed building presents a danger to the public, a local authority must consult the Scottish Ministers (which would ensure that Historic Scotland was consulted), the planning authority and any other body which they think fit, before the authority can serve a dangerous building notice on the owner. In the case of a dangerous building, consultation is required only if it is reasonably practicable. *Subsection (4)* provides that a requirement in a notice under Part 3 or 4 of the Act to carry out work in relation to buildings listed in subsection (1) has effect only where it is consistent with the Acts specified in that subsection e.g. a notice served on a listed building must be consistent with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.