

Changes to legislation: There are currently no known outstanding effects for the
Historic Environment Scotland Act 2014, PART 2. (See end of Document for details)

SCHEDULE 3 FUNCTIONS OF HISTORIC ENVIRONMENT SCOTLAND IN RELATION TO LISTING AND CONSERVATION

PART 2

LISTED BUILDING CONSENT

7 The 1997 Act is further amended as follows.

Commencement Information

- I1** Sch. 3 para. 7 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, Sch.
I2 Sch. 3 para. 7 in force at 1.10.2015 by S.S.I. 2015/196, art. 2, Sch. (with transitional provisions and savings in S.S.I. 2015/239, arts. 2-19)

- 8 In section 7 (authorisation of works: listed building consent)—
- (a) in subsection (2)—
 - (i) in paragraph (b) for “the Royal Commission” substitute “ Historic Environment Scotland ”,
 - (ii) in paragraph (c)(i) for “members or officers of the Commission” substitute “ Historic Environment Scotland ”,
 - (iii) for paragraph (c)(ii) substitute—
 - “(ii) Historic Environment Scotland has stated in writing that it has completed its recording of that building or that it does not wish to record it,”,
 - (b) subsection (4) is repealed,
 - (c) in subsection (5) for “the Royal Commission” substitute “ Historic Environment Scotland ”.

Commencement Information

- I3** Sch. 3 para. 8 in force at 27.2.2015 for specified purposes by S.S.I. 2015/31, art. 2, Sch.
I4 Sch. 3 para. 8 in force at 1.10.2015 by S.S.I. 2015/196, art. 2, Sch. (with transitional provisions and savings in S.S.I. 2015/239, arts. 2-19)

- 9 In section 9 (making of applications for listed building consent)—
- (a) in subsection (3)—
 - (i) the “and” after paragraph (b) is repealed,
 - (ii) after paragraph (c) insert “, and
 - (d) the procedure to be followed by planning authorities or, as the case may be, the Scottish Ministers in considering and determining such applications.”,
 - (b) after subsection (5) insert—
 - “(6) The regulations must also require planning authorities, before granting or refusing applications for listed building consent in such cases or classes of case as may be prescribed, to consult—

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- (a) Historic Environment Scotland,
- (b) such other persons as may be—
 - (i) prescribed, or
 - (ii) specified in directions given to planning authorities by the Scottish Ministers.

- (7) Directions given by virtue of subsection (6)(b)(ii) for the purposes of regulations under this section may be given to—
 - (a) planning authorities generally,
 - (b) a particular planning authority, or
 - (c) a description of planning authority.”.

Commencement Information

- I5** [Sch. 3 para. 9](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31](#), [art. 2](#), [Sch.](#)
- I6** [Sch. 3 para. 9](#) in force at 1.10.2015 by [S.S.I. 2015/196](#), [art. 2](#), [Sch.](#) (with transitional provisions and savings in [S.S.I. 2015/239](#), arts. 2-19)

Revocation and modification of listed building consent

- 10 In section 22(2) (procedure for orders revoking or modifying listed building consent: opposed cases) after paragraph (c) insert—
 - “(ca) Historic Environment Scotland,
 - (cb) such other persons as may be prescribed,”.

Commencement Information

- I7** [Sch. 3 para. 10](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31](#), [art. 2](#), [Sch.](#)
- I8** [Sch. 3 para. 10](#) in force at 1.10.2015 by [S.S.I. 2015/196](#), [art. 2](#), [Sch.](#) (with transitional provisions and savings in [S.S.I. 2015/239](#), arts. 2-19)

- 11 In section 23(1)(b) (procedure for orders revoking or modifying listed building consent: unopposed cases) after “land” insert “, Historic Environment Scotland, such other persons as may be prescribed ”.

Commencement Information

- I9** [Sch. 3 para. 11](#) in force at 27.2.2015 for specified purposes by [S.S.I. 2015/31](#), [art. 2](#), [Sch.](#)
- I10** [Sch. 3 para. 11](#) in force at 1.10.2015 by [S.S.I. 2015/196](#), [art. 2](#), [Sch.](#) (with transitional provisions and savings in [S.S.I. 2015/239](#), arts. 2-19)

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