

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

**PART 3**

CONSERVATION AREAS

- 12 The 1997 Act is further amended as follows.
- 13 In section 61(2) (designation of conservation areas)—
- (a) for “The Secretary of State” substitute “Historic Environment Scotland”,
  - (b) for “he so determines, he” substitute “Historic Environment Scotland so determines, it”.
- 14 In section 62 (designation of conservation areas: supplementary provisions)—
- (a) in subsection (1) after “State” insert “and Historic Environment Scotland”,
  - (b) for subsection (2) substitute—
    - “(2) Historic Environment Scotland must—
    - (a) give notice to a planning authority of—
      - (i) the designation of any part of their district as a conservation area under section 61(2), and
      - (ii) any variation or cancellation of any such designation,
    - (b) give notice to the Scottish Ministers of the designation and of any such variation or cancellation.”,
  - (c) in subsection (4) for “the Secretary of State” substitute “Historic Environment Scotland”,
  - (d) in subsection (5) for “the Secretary of State” substitute “Historic Environment Scotland”.
- 15 In paragraph 2 of schedule 1 (buildings formerly subject to building preservation orders)—
- (a) for sub-paragraph (1) substitute—
    - “(1) Historic Environment Scotland may at any time direct that paragraph 1 no longer applies to a particular building.
    - (1A) The Scottish Ministers may direct that paragraph 1 no longer applies to a particular building if the building is referred to in a notice of appeal under section 5B, 18 or 35 relating to the building (whether or not they are requested to do so).”,
  - (b) in sub-paragraph (2) for “such a direction” substitute “a direction under sub-paragraph (1) or (1A)”,
  - (c) after sub-paragraph (2) insert—
    - “(2A) Where a direction is given under sub-paragraph (1) or (1A), Historic Environment Scotland or (as the case may be) the Scottish Ministers must notify the other.”,
  - (d) in sub-paragraph (3)—
    - (i) for “such a direction” substitute “a direction under sub-paragraph (1) or (1A)”,

*Status: This is the original version (as it was originally enacted).*

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(ii) for “the Secretary of State” substitute “Historic Environment Scotland or (as the case may be) the Scottish Ministers”.

16 Paragraph 3 of schedule 1 is repealed.