
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 269

**The Planning and Compulsory Purchase Act 2004
(Transitional Provisions) (Scotland) Order 2006**

Transitional provisions - the listed buildings Act

4.—(1) This article applies to works if—

- (a) they are works for which before the relevant date no listed building consent is required; and
- (b) before the relevant date proposed works notice had been given to the planning authority.

(2) In this article—

- (a) the relevant date is the date of commencement of section 90(2) of the 2004 Act;
- (b) “proposed works notice” is notice of a proposal for works given by the person proposing to carry out the works (“the developer”) in pursuance of arrangements made by the Scottish Ministers in relation to development by or on behalf of the Crown;
- (c) the developer is the Crown or a person acting on behalf of the Crown.

(3) If before the relevant date the planning authority have in pursuance of the arrangements kept a register of proposed notice works, the register must be treated as if it is part of the register kept by them in pursuance of the listed buildings Act.

Acceptable works

(4) If before the relevant date in pursuance of the arrangements either the planning authority or the Scottish Ministers, as the case may be, have given notice that they find the proposed works acceptable—

- (a) the notice must be treated as if it is listed building consent granted under the listed buildings Act; and
- (b) if the notice is subject to conditions, the conditions have effect as if they are conditions attached to the consent.

Unacceptable works or works with conditions

(5) If before the relevant date—

- (a) the planning authority have notified the developer in pursuance of the arrangements that they do not find the proposed works acceptable; or
- (b) the planning authority have notified the developer in pursuance of the arrangements that they find the proposed works acceptable subject to conditions,

section 18 of the listed buildings Act shall apply to the proposed works as it applies to an application for listed building consent.

Referred proposals

(6) If before the relevant date—

- (a) the planning authority have notified the developer in pursuance of the arrangements that they do not find the works acceptable; or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) the planning authority have notified the developer in pursuance of the arrangements that they find the works acceptable subject to conditions,
and the matter has been referred to but not decided by the Scottish Ministers, the Scottish Ministers must deal with the proposal as if it is an appeal by an applicant for listed building consent under section 18 of the listed buildings Act.

Pending proposals

(7) If before the relevant date—
(a) proposed works notice has been given; and
(b) the planning authority have not given notice to the developer,
and the matter has not yet been referred to the Scottish Ministers, the listed buildings Act applies as if the proposal is an application for listed buildings consent made under that Act.