
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 241

TOWN AND COUNTRY PLANNING

**The Listed Buildings (Notification and
Publication) (Scotland) Regulations 2015**

<i>Made</i>	- - - -	<i>2nd June 2015</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>4th June 2015</i>
<i>Coming into force</i>	- -	<i>1st October 2015</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1A of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Listed Buildings (Notification and Publication) (Scotland) Regulations 2015 and come into force on 1st October 2015.

(2) In these Regulations—

“the Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and

“the list” means the list of buildings of special architectural or historic interest compiled or approved under section 1(2) of the Act.

Application

2.—(1) These Regulations apply to any—

- (a) inclusion of a building in the list;
- (b) amendment of an entry in the list relating to a building; and
- (c) exclusion of a building from the list,

made on or after 1st October 2015.

(1) [1997 c.9](#). Section 1A was inserted by the Historic Environment Scotland Act 2014 ([asp 19](#)), schedule 3, paragraph 3. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c.46\)](#).

(2) Section 1 was amended by the Historic Environment Scotland Act 2014, schedule 3, paragraph 2.

Notification of inclusion in, amendment to or exclusion from the list

3.—(1) The notice for the purpose of section 1A(2) of the Act of the—

- (a) inclusion of a building in the list;
- (b) amendment of an entry in the list relating to a building; or
- (c) exclusion of a building from the list,

is to be given in accordance with this regulation and regulation 4.

(2) Subject to paragraph (5), the persons prescribed for the purposes of section 1A(2)(a) of the Act are—

- (a) the owner of the building;
- (b) the occupier of the building; and
- (c) the local authority in whose area the building is situated.

(3) Notice under section 1A(2) of the Act is to be given as soon as is reasonably practicable after the inclusion or exclusion of a building from the list or the amendment of an entry in the list relating to a building, as the case may be.

(4) The notice must—

- (a) describe the location of the building including where applicable, a postal address; and
- (b) where a building is included in the list or the entry in the list relating to a building is amended, include a copy of the entry in the list relating to the building.

(5) In the case of the exclusion of a building from the list where that building has been demolished, the person prescribed for the purposes of section 1A(2)(a) of the Act is the local authority in whose area the building was situated.

Service of notices

4.—(1) Notice under section 1A of the Act may be served on or given to a person—

- (a) by being delivered personally to the person;
- (b) by leaving it at the proper address of the person;
- (c) by being sent to the proper address of the person—
 - (i) by a registered post service (as defined in section 125(1) of the Postal Services Act 2000(3)); or
 - (ii) by a postal service which provides for the delivery of the document to be recorded; or
- (d) in a case where an address for service using an electronic communication has been given by the person (and that person has not withdrawn consent to the use of an electronic communication), by sending it using an electronic communication, in accordance with the condition set out in paragraph (5), to that person at that address.

(2) For the purposes of paragraph (1), the proper address of a person is—

- (a) in the case of a body corporate, the address of the registered or principal office of the body;
- (b) in the case of a partnership, the address of the principal office of the partnership;
- (c) in any other case, the last known address of the person, or in the case where an address for service has been given by that person, that address.

(3) Where, after reasonable inquiry, it is not practicable to ascertain either or both—

- (a) the name;

(b) the address,
of a person to be notified, the notice is taken to be served if the requirements of paragraph (4) are met.

(4) The requirements are that the notice is addressed to that person either by name or by the description of “the owner” or “the occupier” of the building; and—

- (a) it is delivered or sent in the manner specified in paragraph (1)(a), (b) or (c); or
- (b) it is plainly identifiable as a document of importance and is affixed to some conspicuous part of the building.

(5) The condition is that the notice must be—

- (a) capable of being accessed by the person mentioned in paragraph (1)(d);
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference.

(6) In this regulation—

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000 (general interpretation)(4);

“legible in all material respects” means that the information contained in the notice is available to that person to no lesser extent than it would be if served or given by means of a notice in printed form; and

“sent” includes served, submitted or given and cognate expressions are to be construed accordingly.

Publication of the list

5.—(1) The list is to be published and made available for public inspection in accordance with this regulation.

(2) The list is to be published on the internet.

(3) The list is to be available for public inspection at the principal office of Historic Environment Scotland.

St Andrew’s House,
Edinburgh
2nd June 2015

FIONA HYSLOP
A member of the Scottish Government

(4) 2000 c.7. Section 15(1) was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 158.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of the notification and publication requirements introduced by the Historic Environment Scotland Act 2014, where a listed building is either included in or excluded from the list of buildings of special architectural or historic interest compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or where an entry relating to a building in that list is amended.