



Town and Country Planning Act 1971

1971 CHAPTER 78

PART IV

ADDITIONAL CONTROL IN SPECIAL CASES

Buildings of special architectural or historic interest

55 Control of works for demolition, alteration or extension of listed buildings

- (1) Subject to this Part of this Act, if a person executes or causes to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, and the works are not authorised under this Part of this Act, he shall be guilty of an offence.
- (2) Works for the demolition of a listed building, or for its alteration or extension, are authorised under this Part of this Act only if—
 - (a) the local planning authority or the Secretary of State have granted written consent (in this Act referred to as "listed building consent") for the execution of the works and the works are executed in accordance with the terms of the consent and of any conditions attached to the consent under section 56 of this Act; and
 - (b) in the case of demolition, notice of the proposal to execute the works has been given to the Royal Commission and thereafter either—
 - (i) for a period of at least one month following the grant of listed building consent, and before the commencement of the works, reasonable access to the building has been made available to members or officers of the Commission for the purpose of recording it; or
 - (ii) the Commission have, by their Secretary or other officer of theirs with authority to act on the Commission's behalf for the purposes of this section, stated in writing that they have completed their recording of the building or that they do not wish to record it.

Status: This is the original version (as it was originally enacted).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

- (3) In subsection (2) of this section " the Royal Commission " means, in relation to England, the Royal Commission on Historical Monuments (England) and, in relation to Wales, the Royal Commission on Ancient and Historical Monuments (Wales and Monmouthshire); but the Secretary of State may, in relation to either England or Wales, or both, by order provide that the said subsection shall, in the case of works executed or to be executed on or after such date as may be specified in the order, have effect with the substitution for the reference to the Royal Commission of a reference to such other body as may be so specified.
- (4) Without prejudice to subsection (1) of this section, if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent under section 56 of this Act, he shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding £250, or both ; or
 - (b) on conviction on indictment to imprisonment for a term not exceeding twelve months or a fine, or both;
- and, in determining the amount of any fine to be imposed on a person convicted on indictment, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.
- (6) In proceedings for an offence under this section it shall be a defence to prove that the works were urgently necessary in the interests of safety or health, or for the preservation of the building, and that notice in writing of the need for the works was given to the local planning authority as soon as reasonably practicable.