



Town and Country Amenities Act 1974 (repealed)

1974 CHAPTER 32

Listed buildings etc.

[^{F1}5 ^{F2} **Urgent repair of unoccupied buildings.**

- (1) For section 101 of the ^{M1} Town and Country Planning Act 1971 (which gives a local authority power to execute urgent works for the preservation of unoccupied listed buildings) there shall be substituted the following section:—

“ Urgent works for preservation of unoccupied buildings.

- (1) This section applies to any unoccupied building which satisfies one of the conditions specified in subsection (2) below but is not an excepted building as defined in section 58(2) above.
- (2) The conditions mentioned in subsection (1) above are—
- (a) that the building is a listed building;
 - (b) that a direction that this section shall apply to the building has been given under subsection (3) below.
- (3) If it appears to the Secretary of State, in the case of a building which is not a listed building but is situated in a conservation area, that it is important to preserve it for the purpose of maintaining the character or appearance of the conservation area, he may direct that this section shall apply to it.
- (4) If it appears to a local authority that any works are urgently necessary for the preservation of a building to which this section applies and which is situated in their area, they may execute the works, after giving the owner of the building not less than seven days’ notice in writing of their intention to do so.
- (5) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a building to which this section applies, he may execute the

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Amenities Act 1974 (repealed), Section 5. (See end of Document for details)

works, after giving the owner of the building not less than seven days notice in writing of his intention to do so.

- (6) The local authority or, as the case may be, the Secretary of State may give notice to the owner of the building requiring him to pay the expenses of any works executed under subsection (4) or (5) above; and if such a notice is given by the local authority or the Secretary of State, the amount specified in the notice shall be recoverable from the owner, subject to subsections (7) to (9) below.
 - (7) Within 28 days of the date of a notice under subsection (6) above, the owner may represent to the Secretary of State—
 - (a) that the amount specified in the notice is unreasonable ; or
 - (b) that recovery of it would cause him hardship; or
 - (c) that some or all of the works were unnecessary for the building's preservation.
 - (8) The Secretary of State shall determine the extent, if any, to which representations under subsection (7) above are justified.
 - (9) The Secretary of State shall give the owner and the local authority notice of any determination under subsection (8) above and of the reasons for it, and of the amount (if any) which is to be recoverable from the owner ; and no sum shall be recoverable from him unless it is so notified.”
- (2) For section 97 of the ^{M2}Town and Country Planning (Scotland) Act 1972 (which gives a planning authority power to execute urgent works for the preservation of unoccupied listed buildings) there shall be substituted the following section:—

“ Urgent works for preservation of unoccupied buildings.

- (1) This section applies to any unoccupied building which satisfies one of the conditions specified in subsection (2) below but is not an excepted building as defined in section 56(2) above.
- (2) The conditions mentioned in subsection (1) above are—
 - (a) that the building is a listed building;
 - (b) that a direction that this section shall apply to the building has been given under subsection (3) below.
- (3) If it appears to the Secretary of State, in the case of a building which is not a listed building but is situated in a conservation area, that it is important to preserve it for the purpose of maintaining the character or appearance of the conservation area, he may direct that this section shall apply to it.
- (4) If it appears to a planning authority that any works are urgently necessary for the preservation of a building to which this section applies and which is situated in their district, they may execute the works, after giving the owner of the building not less than seven days notice in writing of their intention to do so.
- (5) If it appears to the Secretary of State that any works are urgently necessary for the preservation of a building to which this section applies, he may execute the works, after giving the owner of the building not less than seven days notice in writing of his intention to do so.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Amenities Act 1974 (repealed), Section 5. (See end of Document for details)

- (6) The planning authority or, as the case may be, the Secretary of State may give notice to the owner of the building requiring him to pay the expenses of any works executed under subsection (4) or (5) above, and if such a notice is given by the planning authority or the Secretary of State, the amount specified in the notice shall be recoverable from the owner, subject to subsections (7) to (9) below.
- (7) Within 28 days of the date of a notice under subsection (6) above, the owner may represent to the Secretary of State—
- (a) that the amount specified in the notice is unreasonable ; or
 - (b) that recovery of it would cause him hardship , or
 - (c) that some or all of the works were unnecessary for the building’s preservation.
- (8) The Secretary of State shall determine the extent, if any, to which representations under subsection (7) above are justified.
- (9) The Secretary of State shall give the owner and the planning authority notice of any determination under subsection (8) above and of the reasons for it, and of the amount (if any) which is to be recoverable from the owner, and no sum shall be recoverable from him unless it is so notified.”]

Textual Amendments

- F1** S. 5 repealed (E.W.) by [Housing and Planning Act 1986 \(c. 63, SIF 123:1, 2\)](#), s. 49(2), **Sch. 12 Pt. III**
- F2** S. 5 repealed (S.) (*prosp.*) by [Housing and Planning Act 1986 \(c. 63, SIF 123:1, 2\)](#), ss. 49(2), 57(2), **Sch. 12 Pt. IV**

Modifications etc. (not altering text)

- C1** The text of ss. 3(1) and 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and , except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1971 c. 78.
- M2** 1972 c. 52.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Town and Country Amenities Act 1974 (repealed), Section 5.