

*Status: This version of this provision no longer has effect.*

*Changes to legislation: There are currently no known outstanding effects for the Housing and Planning Act 1986, Paragraph 20. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

#### LISTED BUILDINGS AND CONSERVATION AREAS

##### <sup>F1</sup>PART II

###### Textual Amendments

**F1** Sch. 9 paras. 13-24 (Pt. II) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2) Sch. 1 Pt. I (with s. 5, Sch. 3)

##### *Works for preservation of buildings*

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20 For section 97 of the Town and Country Planning (Scotland) Act 1972 (urgent works for preservation of unoccupied buildings) substitute—

##### **“97 Urgent works to preserve building.**

- (1) Where it appears to the planning authority or the Secretary of State that works are urgently necessary for the preservation of—
  - (a) a listed building, or
  - (b) a building in respect of which a direction has been given by the Secretary of State that this section shall apply,they or he may, subject to the following provisions of this section, execute the works, which may consist of or include works for affording temporary support or shelter for the building.
- (2) The ground on which the Secretary of State may give a direction that this section shall apply to a building is that the building is in a conservation area and it appears to him that its preservation is important for maintaining the character or appearance of the conservation area.
- (3) If the building is occupied works may be carried out only to those parts which are not in use ; and no action may be taken in respect of an excepted building within the meaning of section 56(2) of this Act.
- (4) The owner of the building shall be given not less than 7 days’ notice in writing of the intention to carry out the works and the notice shall describe the works proposed to be carried out.

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### **97A Recovery of expenses of works under s. 97.**

- (1) This section has effect for enabling the expenses of works executed under section 97 of this Act to be recovered.
- (2) 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 the works.
- (3) Where the works consist of or include works for affording temporary support or shelter for the building—
  - (a) the expenses which may be recovered include any continuing expenses involved in making available the apparatus or materials used, and
  - (b) notices under subsection (2) in respect of any such continuing expenses may be given from time to time.
- (4) The owner may within 28 days of the service of the notice represent to the Secretary of State—
  - (a) that some or all of the works were unnecessary for the preservation of the building,
  - (b) in the case of works for affording temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time, or
  - (c) that the amount specified in the notice is unreasonable or that the recovery of it would cause him hardship,
 and the Secretary of State shall determine to what extent the representations are justified.
- (5) The Secretary of State shall give notice of his determination, the reasons for it and the amount recoverable—
  - (a) to the owner of the building, and
  - (b) to the planning authority, if they carried out the works.”.

#### **Textual Amendments**

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