
Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Housing and Planning Act 1986, Cross Heading: Defence to proceedings under section 53. (See end of Document for details)

SCHEDULES

SCHEDULE 9

LISTED BUILDINGS AND CONSERVATION AREAS

PART II

SCOTLAND

Defence to proceedings under section 53

- 15 (1) In section 53 of the Town and Country Planning (Scotland) Act 1972 (control of works for demolition, alteration or extension of listed buildings), for subsection (6) (exception for certain urgent works) substitute—
- “(6) In proceedings for an offence under this section it shall be a defence to prove the following matters—
- (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building ;
 - (b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter ;
 - (c) that the works carried out were limited to the minimum measures immediately necessary, and
 - (d) that notice in writing justifying in detail the carrying out of the works was given to the planning authority as soon as reasonably practicable.”.

(2) In section 93 of the Town and Country Planning (Scotland) Act 1972 (appeal against listed building enforcement notice), in subsection (1) (grounds of appeal), for paragraph (c) substitute—

“(c) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary ;”.

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