



Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

1997 CHAPTER 9

PART II

CONSERVATION AREAS

Designation

61 Designation of conservation areas.

- (1) Every planning authority shall—
 - (a) from time to time determine which parts of their district are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and
 - (b) designate such areas as conservation areas.
- (2) [^{F1}Historic Environment Scotland] may from time to time, after consultation with a planning authority, determine that any part of the authority's district which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if [^{F2}Historic Environment Scotland so determines, it] may designate that part as a conservation area.

Textual Amendments

- F1** Words in s. 61(2) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 3 para. 13\(a\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F2** Words in s. 61(2) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 3 para. 13\(b\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Cross Heading: Designation is up to date with all changes known to be in force on or before 09 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C1** S. 61(2) savings for effects of 2014 asp 19, Sch. 3 para. 13 (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\)](#), arts. 1(1), **19(1)**

62 Designation of conservation areas: supplementary provisions.

(1) A planning authority shall give notice to the Secretary of State [^{F3}and Historic Environment Scotland] of the designation of any part of their district as a conservation area under section 61(1), and of any variation or cancellation of any such designation.

[^{F4}(2) Historic Environment Scotland must—

- (a) give notice to a planning authority of—
- (i) the designation of any part of their district as a conservation area under section 61(2), and
 - (ii) any variation or cancellation of any such designation,
- (b) give notice to the Scottish Ministers of the designation and of any such variation or cancellation.]

(3) A notice under subsection (1) or (2) shall contain sufficient particulars to identify the area affected.

(4) Notice of any such designation, variation or cancellation, with particulars of its effect, shall be published in the Edinburgh Gazette and in at least one newspaper circulating in the district of the planning authority by that authority or, as the case may be, [^{F5}Historic Environment Scotland] .

(5) Every planning authority shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing such particulars as [^{F6}Historic Environment Scotland] may determine of any part of their district which has been designated as a conservation area.

Textual Amendments

- F3** Words in s. 62(1) inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 14(a)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F4** S. 62(2) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 14(b)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F5** Words in s. 62(4) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 14(c)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F6** Words in s. 62(5) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 14(d)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

Modifications etc. (not altering text)

- C2** S. 62(2) savings for effects of 2014 asp 19, Sch. 3 para. 14(b) (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\)](#), arts. 1(1), **19(2)**

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- C3** S. 62(4) savings for effects of 2014 asp 19, Sch. 3 para. 14(c) (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\)](#), arts. 1(1), **19(2)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1)(aa)-(ad) inserted by [2006 asp 17 s. 55\(5\)](#)