



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

## 1997 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER I

##### LISTING OF SPECIAL BUILDINGS

### **1 Listing of buildings of special architectural or historic interest.**

- (1) For the purposes of this Act and with a view to the guidance of planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, [<sup>F1</sup>Historic Environment Scotland] shall compile lists of such buildings or approve, with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.
- (2) In considering whether to include a building in a list compiled or approved under this section, [<sup>F2</sup>Historic Environment Scotland] may take into account not only the building itself but also—
  - (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part, and
  - (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.
- (3) Before compiling or approving, with or without modifications, any list under this section or amending any such list [<sup>F3</sup>Historic Environment Scotland] shall consult such persons or bodies of persons as appear to [<sup>F4</sup>it] appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.

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**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 1 is up to date with all changes known to be in force on or before 26 May 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

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(4) In this Act “listed building” means a building which is for the time being included in a list compiled or approved by [<sup>F5</sup>Historic Environment Scotland] under this section; and, for the purposes of this Act, the following shall [<sup>F6</sup>, subject to subsection (4A),] be treated as part of the building—

- (a) any object or structure fixed to the building, and
- (b) any object or structure within the curtilage of the building which, though not fixed to the building, forms part of the land and has done so since before 1st July 1948.

[<sup>F7</sup>(4A) In a list compiled or approved under this section, an entry for a building may provide—

- (a) that an object or structure mentioned in subsection (4)(a) or (b) is not to be treated as part of the building for the purposes of this Act,
- (b) that any part or feature of the building is not of special architectural or historic interest.]

(5) Schedule 1 (which makes provision as to the treatment as listed buildings of certain buildings formerly subject to building preservation orders) shall have effect.

#### Textual Amendments

- F1** Words in s. 1(1) 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. 2\(a\)](#) (with [ss. 29, 30](#)); [S.S.I. 2015/31](#), art. 2, sch.; [S.S.I. 2015/196](#), art. 2, sch.
- F2** Words in s. 1(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. 2\(b\)](#) (with [ss. 29, 30](#)); [S.S.I. 2015/31](#), art. 2, sch.; [S.S.I. 2015/196](#), art. 2, sch.
- F3** Words in s. 1(3) 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. 2\(c\)\(i\)](#) (with [ss. 29, 30](#)); [S.S.I. 2015/31](#), art. 2, sch.; [S.S.I. 2015/196](#), art. 2, sch.
- F4** Word in s. 1(3) 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. 2\(c\)\(ii\)](#) (with [ss. 29, 30](#)); [S.S.I. 2015/31](#), art. 2, sch.; [S.S.I. 2015/196](#), art. 2, sch.
- F5** Words in s. 1(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. 2\(d\)](#) (with [ss. 29, 30](#)); [S.S.I. 2015/31](#), art. 2, sch.; [S.S.I. 2015/196](#), art. 2, sch.
- F6** Words in s. 1(4) inserted (1.10.2015) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), [ss. 22\(2\)\(a\)](#), 31(2) (with [ss. 29, 30](#)); [S.S.I. 2015/196](#), art. 2, sch.
- F7** [S. 1\(4A\)](#) inserted (1.10.2015) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), [ss. 22\(2\)\(b\)](#), 31(2) (with [ss. 29, 30](#)); [S.S.I. 2015/196](#), art. 2, sch.

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 1 is up to date with all changes known to be in force on or before 26 May 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.

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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\(5\)](#)