



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

## 1997 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER I

##### LISTING OF SPECIAL BUILDINGS

### 3 Temporary listing: building preservation notices.

- (1) If it appears to a planning authority that a building in their district which is not a listed building—
  - (a) is of special architectural or historic interest, and
  - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,they may serve on the owner, lessee and occupier of the building a notice (in this Act referred to as a “building preservation notice”).
- (2) A building preservation notice shall—
  - (a) state that the building appears to the planning authority to be of special architectural or historic interest and that they have requested [<sup>F1</sup>Historic Environment Scotland] to consider including it in a list compiled or approved under section 1, and
  - (b) explain the effect of subsections (3) to (5) and Schedule 2.
- (3) A building preservation notice—
  - (a) shall come into force as soon as it has been served on the owner, lessee and occupier of the building to which it relates, and

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**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 3 is up to date with all changes known to be in force on or before 10 August 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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- (b) subject to subsection (4), shall remain in force for 6 months from the date when it is served or, as the case may be, last served.
- (4) A building preservation notice shall cease to be in force if <sup>F2</sup>Historic Environment Scotland] —
- (a) includes the building in a list compiled or approved under section 1, or
- (b) notifies the planning authority in writing that <sup>F3</sup>it] does not intend to do so.
- (5) While a building preservation notice is in force with respect to a building, the provisions of this Act (other than section 53) and the principal Act shall have effect in relation to the building as if it were a listed building.
- (6) If, following the service of a building preservation notice, <sup>F4</sup>Historic Environment Scotland] notifies the planning authority that <sup>F5</sup>it] does not propose to include the building in a list compiled or approved under section 1, the authority—
- (a) shall immediately give notice of <sup>F6</sup>Historic Environment Scotland's] decision to the owner, lessee and occupier of the building, and
- (b) shall not, within the period of 12 months beginning with the date of <sup>F7</sup>Historic Environment Scotland's] notification, serve another building preservation notice in respect of the building.

#### Textual Amendments

- F1** Words in s. 3(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. 5\(a\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F2** Words in s. 3(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. 5\(b\)\(i\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F3** Word in s. 3(4)(b) 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. 5\(b\)\(ii\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F4** Words in s. 3(6) 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. 5\(c\)\(i\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F5** Word in s. 3(6) 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. 5\(c\)\(ii\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F6** Words in s. 3(6)(a) 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. 5\(c\)\(iii\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F7** Words in s. 3(6)(b) 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. 5\(c\)\(iii\)](#) (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)

- C1** S. 3 savings for effects of 2014 asp 19, Sch. 3 para. 5 (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), [14](#)

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 3 is up to date with all changes known to be in force on or before 10 August 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.

[View outstanding changes](#)

**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\(5\)](#)