



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER IV

ENFORCEMENT

40 Effect of listed building consent on listed building enforcement notice.

- (1) If, after the issue of a listed building enforcement notice, consent is granted under section 7(3)—
- for the retention of any work to which the listed building enforcement notice relates, or
 - permitting the retention of works without complying with some condition subject to which a previous listed building consent was granted,
- the listed building enforcement notice shall cease to have effect in so far as [^{F1}such work is or such works are required by the notice to cease, or in so far as] it requires steps to be taken involving the works not being retained or, as the case may be, for complying with that condition.
- (2) The fact that such a notice has wholly or partly ceased to have effect under subsection (1) shall not affect the liability of any person for an offence in respect of a previous failure to comply with that notice.

Textual Amendments

- F1** Words in s. 40(1) inserted (1.12.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011](#) (asp 3), [ss. 22\(5\), 33\(2\)](#); [S.S.I. 2011/372](#), art. 2, sch.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 40 is up to date with all changes known to be in force on or before 08 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](#)

Modifications etc. (not altering text)

- C1** Ss. 28-41I applied (with modifications) (1.10.2015) by [The Planning \(Listed Building Consent and Conservation Area Consent Procedure\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/243\)](#), regs. 1, 15, **sch. 3** (with reg. 2)

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 40 is up to date with all changes known to be in force on or before 08 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.

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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\(5\)](#)