



# Historic Environment (Amendment) (Scotland) Act 2011 2011 asp 3

## PART 3

### MODIFICATIONS OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

#### *Certificate that building not intended to be listed*

#### **18 Certificate that building not intended to be listed**

(1) After section 5 of the 1997 Act insert—

##### **“5A Certificate that building not intended to be listed**

- (1) The Scottish Ministers may, on the application of any person, issue a certificate stating that they do not intend to include a building in a list compiled or approved under section 1.
- (2) Where the Scottish Ministers issue a certificate under subsection (1) in respect of a building—
  - (a) they may not for a period of 5 years from the date of issue exercise in relation to the building any of the powers conferred on them by section 1, and
  - (b) a planning authority may not for that period—
    - (i) serve a building preservation notice in relation to the building, or
    - (ii) affix such a notice under section 4(1).
- (3) A person submitting an application to the Scottish Ministers under subsection (1) must, at the same time as submitting it, give notice of the application to the planning authority within whose district the building is situated.”.

*Status: This is the original version (as it was originally enacted).*

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- (2) In section 76 of that Act (rights of entry), in subsection (1), at the end add “or in connection with an application under section 5A(1)”.