
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 239

The Historic Environment Scotland Act 2014 (Saving, Transitional and Consequential Provisions) Order 2015

PART 3

Listed Buildings and Conservation Areas

Listing of buildings of special architectural or historic interest

13.—(1) Subject to paragraph (2), anything done (or having effect as if done) by the Scottish Ministers for the purposes of or in connection with the function of compiling or approving a list of buildings of special architectural or historic interest conferred on Historic Environment Scotland by virtue of section 16 of, and Part 1 of schedule 3 to, the Act has effect as if done by Historic Environment Scotland in so far as that is required for continuing its effect on and after 1st October 2015.

(2) For the purposes of section 1A(2) of the Listed Buildings Act and, to the extent applicable, the purposes of section 5B of the Listed Buildings Act—

- (a) the inclusion of a building in the List;
- (b) the amendment of an entry relating to building in the List; or
- (c) the exclusion of a building from the List,

by the Scottish Ministers (or having effect as if by the Scottish Ministers) before 1st October 2015 is not to be treated as having effect as if done by Historic Environment Scotland.

Building preservation notices

14.—(1) Where a building preservation notice (as defined in section 3(1) of the Listed Buildings Act) served before 1st October 2015 remains in force on that date, a request made by the planning authority to the Scottish Ministers to consider including the building which is the subject of the notice in the List is, if no decision has been made by the Scottish Ministers in response to that request before that date, to be treated as having been made to Historic Environment Scotland.

(2) Where, in respect of a building preservation notice, notification is given to the planning authority under section 3(4)(b) of the Listed Buildings Act before 1st October 2015, the provisions of Schedule 2 to the Listed Buildings Act continue to have effect as they did immediately before that date.

(3) Where the Scottish Ministers have before 1st October 2015 notified the planning authority in accordance with section 3(6) of the Listed Buildings Act that they do not propose to include a building in the List—

- (a) the provisions of section 3(6)(a) of the Listed Buildings Act continue to have effect as they did immediately before 1st October 2015 in respect of that decision; and

- (b) for the purposes of section 3(6)(b) of the Listed Buildings Act the reference to the date of Historic Environment Scotland's notification is to be treated as the date of notification of that decision by the Scottish Ministers.

Certificate that building not intended to be listed

15.—(1) Where an application is made under section 5A(1) of the Listed Buildings Act before 1st October 2015 and has not been determined by the Scottish Ministers by that date, the application is to be treated as if made to Historic Environment Scotland.

(2) Where the Scottish Ministers issue a certificate under section 5A(1) of the Listed Buildings Act before 1st October 2015, section 5A(2) of the Listed Buildings Act applies in respect of the building to which the certificate relates as if—

- (a) for “Historic Environment Scotland issues” there were substituted “the Scottish Ministers have issued”; and
- (b) in paragraph (a), for “it”, in both places where that word occurs, there were substituted “Historic Environment Scotland”.

Authorisation of works: listed building consent

16.—(1) Where notice of a proposal to execute works for the demolition of a listed building is given to the Royal Commission under section 7(2)(b) of the Listed Buildings Act before 1st October 2015 but no written statement is made before that date in terms of section 7(2)(c)(ii) of the Listed Buildings Act (as it had effect immediately before 1st October 2015), section 7(2) of the Listed Buildings Act applies for the purposes of the authorisation of those works—

- (a) as if notice under subsection (2)(b) has been given to Historic Environment Scotland; and
- (b) as including for the purposes of the calculation of the period referred to in subsection (2)(c)(i), any period before 1st October 2015 during which reasonable access to the building was made available to the members or officers of the Royal Commission.

(2) In this article “the Royal Commission” means the Royal Commission on the Ancient and Historical Monuments of Scotland.

Duty to notify applications

17. The provisions of sections 12 and 13 of the Listed Buildings Act, and any directions made under section 13(1) of the Listed Buildings Act before 1st October 2015, continue to have effect as they did immediately before that date in respect of an application for listed building consent, or application for conservation area consent, made before that date.

Revocation and modification of listed building consent by order

18. The provisions of sections 22 and 23 of the Listed Buildings Act continue to have effect as they did immediately before 1st October 2015 in respect of an order made under section 21 of the Listed Buildings Act before that date.

Designation of conservation areas

19.—(1) The amendment of section 61(2) of the Listed Buildings Act by paragraph 13 of schedule 3 to the Act does not affect the validity of the designation by the Scottish Ministers of an area as a conservation area before 1st October 2015.

(2) The provisions of sections 62(2) and (4) of the Listed Buildings Act continue to have effect as they did immediately before 1st October 2015 in respect of the designation of an area as a conservation area by the Scottish Ministers before that date.