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SCHEDULES

SCHEDULE 19

Section 190.

PROCEEDINGS ON LISTED BUILDING PURCHASE NOTICE

Action by council on whom listed building purchase notice is served

- 1 (1) The council on whom a listed building purchase notice is served, shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—
- (a) that the council are willing to comply with the purchase notice ; or
 - (b) that another local authority or statutory undertakers specified in the notice under this sub-paragraph have agreed to comply with it in their place ; or
 - (c) that for reasons specified in the notice under this sub-paragraph, the council are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place and that they have transmitted a copy of the purchase notice to the Secretary of State, on a date specified in the notice under this sub-paragraph, together with a statement of the reasons so specified.
- (2) Where the council on whom a listed building purchase notice is served by an owner have served on him a notice in accordance with sub-paragraph (1)(a) or (b) of this paragraph the council, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of section 114 of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under sub-paragraph (1) of this paragraph.
- (3) Where the council on whom a listed building purchase notice is served by an owner propose to serve on him a notice in accordance with sub-paragraph (1)(c) of this paragraph they shall transmit a copy of the purchase notice to the Secretary of State together with a statement of their reasons; and section 182 of this Act shall then apply in relation to the purchase notice as it applies in relation to a purchase notice under section 180 of this Act with the substitution for references therein to the Secretary of State taking action under section 183 of this Act of references to his taking action under paragraph 2 of this Schedule.

Action by Secretary of State in relation to listed building purchase notice

- 2 (1) Subject to the following provisions of this paragraph, if the Secretary of State is satisfied that the conditions specified in section 190(1)(a) to (c) of this Act are fulfilled in relation to a listed building purchase notice, he shall confirm the notice:
- Provided that, if he is satisfied that the said conditions are fulfilled only in respect of part of the land, he shall confirm the notice only in respect of that part and the notice shall have effect accordingly.

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- (2) The Secretary of State shall not confirm the purchase notice unless he is satisfied that the land comprises such land contiguous or adjacent to the building as is in his opinion required for preserving the building or its amenities, or for affording access to it, or for its proper control or management.
- (3) If it appears to the Secretary of State to be expedient to do so in the case of a listed building purchase notice served on account of listed building consent being refused or granted subject to conditions, he may, in lieu of confirming the purchase notice, grant listed building consent for the works in respect of which the application was made or, where such consent for those works was granted subject to conditions, revoke or amend those conditions so far as it appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of those works.
- (4) If it appears to the Secretary of State to be expedient to do so, in the case of a listed building purchase notice served on account of listed building consent being revoked or modified by an order under Part II of Schedule 11 to this Act, he may, in lieu of confirming the notice, cancel the order revoking the consent or, where the order modified the consent by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the works in respect of which the consent was granted.
- (5) If it appears to the Secretary of State that the land, or any part of it, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other works for which listed building consent ought to be granted, he may in lieu of confirming the listed building purchase notice or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that listed building consent for those works shall be granted in the event of an application being made in that behalf.
- (6) If it appears to the Secretary of State that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any development for which planning permission ought to be granted, he may, in lieu of confirming the listed building purchase notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that planning permission for that development shall be granted in the event of an application being made in that behalf.
- (7) If it appears to the Secretary of State, having regard to the probable ultimate use of the building or the site thereof, that it is expedient to do so, he may, if he confirms the notice, modify it either in relation to the whole or in relation to any part of the land, by substituting another local authority or statutory undertakers for the council on whom the notice was served.
- (8) In section 182 of this Act as applied by paragraph 1(3) of this Schedule, any reference to the taking of action by the Secretary of State under this paragraph is a reference to the taking by him of any such action as is mentioned in sub-paragraphs (1) or (3) to (7) of this paragraph, or to the taking by him of a decision not to confirm the purchase notice on the grounds that any of the conditions referred to in sub-paragraph (1) of this paragraph are not fulfilled.

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Effect of Secretary of State's action in relation to listed building purchase notice

- 3 (1) Where the Secretary of State confirms a listed building purchase notice, the council on whom the notice was served (or, if under paragraph 2(7) of this Schedule the Secretary of State modified the notice by substituting another local authority or statutory undertakers for that council, that other local authority or those statutory undertakers) shall be deemed to be authorised to acquire the relevant interest compulsorily in accordance with the provisions of section 114 of this Act and to have served a notice to treat in respect thereof on such date as the Secretary of State may direct.
- (2) If, before the end of the relevant period, the Secretary of State has neither confirmed the purchase notice nor taken any such action in respect thereof as is mentioned in sub-paragraphs (3) to (6) of paragraph 2 of this Schedule, and has not notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the end of that period and the council on whom the notice was served shall be deemed to have been authorised to acquire the relevant interest compulsorily in accordance with the provisions of section 114 of this Act and to have served a notice to treat in respect thereof at the end of that period.
- (3) In this paragraph—
- (a) "the relevant interest" means the owner's interest in the land or, if the purchase notice is confirmed by the Secretary of State in respect of only part of the land, the owner's interest in that part;
 - (b) " the relevant period " is whichever of the following periods first expires, that is to say—
 - (i) the period of nine months beginning with the date of the service of the purchase notice ; and
 - (ii) the period of six months beginning with the date on which a copy of the purchase notice was transmitted to the Secretary of State.
- (4) Where the Secretary of State has notified the owner by whom a listed building purchase notice has been served of a decision on his part to confirm, or not to confirm, the notice (including any decision to confirm the notice only in respect of part of the land, or to give any direction as to the granting of listed building consent), and that decision of the Secretary of State is quashed under the provisions of Part XII of this Act, the purchase notice shall be treated as cancelled, but the owner may serve a further listed building purchase notice in its place.
- (5) For the purposes of any regulations made under this Act as to the time within which a listed building purchase notice may be served, the service of a listed building purchase notice under sub-paragraph (4) of this paragraph shall not be treated as out of time if the notice is served within the period which would be applicable in accordance with those regulations if the decision to refuse listed building consent or to grant it subject to conditions (being the decision in consequence of which the notice is served) had been made on the date on which the decision of the Secretary of State was quashed as mentioned in sub-paragraph (4) of this paragraph.

Special provision as to compensation where listed building purchase notice served

- 4 Where in consequence of listed building consent being revoked or modified by an order under Part II of Schedule 11 to this Act, compensation is payable by virtue of section 172 of this Act in respect of expenditure incurred in carrying out any works to the building in respect of which the consent was granted, then if a listed building

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purchase notice is served in respect of an interest in the land, any compensation payable in respect of the acquisition of that interest in pursuance of the notice shall be reduced by an amount equal to the value of the works in respect of which compensation is payable by virtue of that section.