

**2011 No. 381**

**TOWN AND COUNTRY PLANNING**

**The Planning etc. (Scotland) Act 2006 (Listed Buildings)  
(Saving Provisions) Order 2011**

<i>Made</i>	- - - -	<i>27th October 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>31st October 2011</i>
<i>Coming into force</i>	- -	<i>1st December 2011</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 58(1) of the Planning etc. (Scotland) Act 2006(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Planning etc. (Scotland) Act 2006 (Listed Buildings) (Saving Provisions) Order 2011 and comes into force on 1st December 2011.

(2) In this Order—

“the Act” means the Planning etc. (Scotland) Act 2006; and

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(b).

**Duration of listed building consent**

2. Notwithstanding the commencement of section 20(3) (duration of listed building consent) of the Act on 1st December 2011(c), section 16 (limit of duration of listed building consent) of the Listed Buildings Act continues to apply as it did immediately before that date in respect of a listed building consent granted before that date.

**Hearings in connection with appeals under the Listed Buildings Act**

3.—(1) Notwithstanding the repeal of—

(a) section 20(2) (right to a hearing in determination of an appeal); and

(b) section 36(2) (right to a hearing in determination of an appeal against a listed building enforcement notice),

of the Listed Buildings Act on 1st December 2011(d), where notice of appeal is given to the Scottish Ministers under section 19(1) (appeals: supplementary provisions) or section 35(2)

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(a) 2006 asp 17.

(b) 1997 c.9.

(c) Section 20(3) of the Planning etc. (Scotland) Act 2006 is commenced by S.S.I. 2011/382 (C. 36).

(d) Sections 20(2) and 36(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are repealed by section 56 of, and the schedule to, the Planning etc. (Scotland) Act 2006: commenced by S.S.I. 2011/382 (C. 36).

(appeal against enforcement notice) of the Listed Buildings Act before that date the provisions of the Listed Buildings Act specified in paragraph (2), as the case may be, continue to apply for the purposes of that appeal as those provisions had effect immediately before that date.

(2) The provisions are—

- (a) section 20 (determination of appeals); and
- (b) section 36 (appeals: supplementary provisions).

St Andrew's House,  
Edinburgh  
27th October 2011

*AILEEN CAMPBELL*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes saving provisions in relation to the changes made to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the Listed Buildings Act”) on 1st December 2011 by section 20(3) and section 56 of and the Schedule to the Planning etc (Scotland) Act 2006. Article 2 preserves the provisions of section 16 of the Listed Buildings Act (which require conditions relating to the duration of the consent to be imposed when granting listed building consent) as they had effect immediately before 1st December 2011 in respect of a listed building consent granted before that date. Article 3 preserves the right to be heard during the process for determining an appeal under section 18 or 35 of the Listed Buildings Act where notice of appeal is given before 1st December 2011.

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