



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER I

LISTING OF SPECIAL BUILDINGS

1 Listing of buildings of special architectural or historic interest

- (1) For the purposes of this Act and with a view to the guidance of planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, the Secretary of State shall compile lists of such buildings or approve, with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.
- (2) In considering whether to include a building in a list compiled or approved under this section, the Secretary of State may take into account not only the building itself but also—
 - (a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part, and
 - (b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.
- (3) Before compiling or approving, with or without modifications, any list under this section or amending any such list the Secretary of State shall consult such persons or bodies of persons as appear to him appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.

- (4) In this Act “listed building” means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and, for the purposes of this Act, the following shall be treated as part of the building—
- (a) any object or structure fixed to the building, and
 - (b) any object or structure within the curtilage of the building which, though not fixed to the building, forms part of the land and has done so since before 1st July 1948.
- (5) Schedule 1 (which makes provision as to the treatment as listed buildings of certain buildings formerly subject to building preservation orders) shall have effect.

2 Publication of lists

- (1) As soon as possible after any list has been compiled or approved under section 1, or any amendments of such a list have been made, a copy of so much of the list as relates to the district of any planning authority or the area of the local authority for the purposes of the Housing (Scotland) Act 1987, or of so much of the amendments as so relates, certified by or on behalf of the Secretary of State to be a true copy, shall be deposited with the clerk of that authority.
- (2) As soon as possible after the inclusion of any building in a list under section 1, whether on the compilation or approval of the list or by amendment, or as soon as possible after any such list has been amended by the exclusion of any building from it—
- (a) the Secretary of State shall inform the planning authority in whose district the building is situated of the inclusion or exclusion, and
 - (b) the planning authority shall serve a notice in the prescribed form on every owner, lessee and occupier of the building, stating that the building has been included in, or excluded from, the list.
- (3) The Secretary of State shall keep available for public inspection, free of charge, at reasonable hours and at a convenient place, copies of all lists and amendments of lists compiled, approved or made by him under section 1.
- (4) Every authority with whose clerk copies of any list or amendments are deposited under this section shall similarly keep available copies of so much of any such list or amendment as relates to buildings within their district or area.

3 Temporary listing: building preservation notices

- (1) If it appears to a planning authority that a building in their district which is not a listed building—
- (a) is of special architectural or historic interest, and
 - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,
- they may serve on the owner, lessee and occupier of the building a notice (in this Act referred to as a “building preservation notice”).
- (2) A building preservation notice shall—
- (a) state that the building appears to the planning authority to be of special architectural or historic interest and that they have requested the Secretary of State to consider including it in a list compiled or approved under section 1, and

- (b) explain the effect of subsections (3) to (5) and Schedule 2.
- (3) A building preservation notice—
- (a) shall come into force as soon as it has been served on the owner, lessee and occupier of the building to which it relates, and
 - (b) subject to subsection (4), shall remain in force for 6 months from the date when it is served or, as the case may be, last served.
- (4) A building preservation notice shall cease to be in force if the Secretary of State—
- (a) includes the building in a list compiled or approved under section 1, or
 - (b) notifies the planning authority in writing that he does not intend to do so.
- (5) While a building preservation notice is in force with respect to a building, the provisions of this Act (other than section 53) and the principal Act shall have effect in relation to the building as if it were a listed building.
- (6) If, following the service of a building preservation notice, the Secretary of State notifies the planning authority that he does not propose to include the building in a list compiled or approved under section 1, the authority—
- (a) shall immediately give notice of the Secretary of State's decision to the owner, lessee and occupier of the building, and
 - (b) shall not, within the period of 12 months beginning with the date of the Secretary of State's notification, serve another building preservation notice in respect of the building.

4 Temporary listing in urgent cases

- (1) If it appears to the planning authority to be urgent that a building preservation notice should come into force, they may, instead of serving the notice on the owner, lessee and occupier of the building to which it relates, affix the notice conspicuously to some object on the building.
- (2) The affixing of a notice under subsection (1) shall be treated for all the purposes of section 3, this section, sections 9 to 24 and Schedule 2 as service of the notice.
- (3) A notice which is so affixed must explain that by virtue of being so affixed it is treated as being served for those purposes.

5 Provisions applicable on lapse of building preservation notice

Schedule 2 (which makes provision as respects the lapse of building reservation notices) shall have effect.