



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

## 1997 CHAPTER 9

### PART I

#### LISTED BUILDINGS

#### CHAPTER II

##### AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

##### *Control of works in respect of listed buildings*

#### 6 Restriction on works affecting listed buildings.

Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

#### **Modifications etc. (not altering text)**

- C1 S. 6 excluded (11.8.2004) by [Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004](#) (asp 10), [sch. 10 para. 1\(1\)\(a\)](#) (with s. 33)
- C2 S. 6 excluded (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006](#) (asp 6), [s. 72\(1\)-\(4\)](#) (with s. 75)
- C3 S. 6 excluded (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006](#) (asp 7), [s. 73\(1\)-\(4\)](#) (with ss. 76, 84)
- C4 S. 6 excluded (24.7.2006) by [Waverley Railway \(Scotland\) Act 2006](#) (asp 13), [Sch. 9 para. 1\(1\)-\(3\)](#) (with ss. 50(2), 51)
- C5 S. 6 excluded (15.1.2007) by [Glasgow Airport Rail Link Act 2007](#) (asp 1), [sch. 8 para. 1\(1\)\(a\)](#) (with s. 50)
- C6 S. 6 excluded (19.4.2007) by [Edinburgh Airport Rail Link Act 2007](#) (asp 16), [sch. 8 para. 1\(1\)\(a\)](#) (with ss. 52, 60)

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**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Cross Heading: Control of works in respect of listed buildings is up to date with all changes known to be in force on or before 04 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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| C7 | S. 6 excluded (8.5.2007) by <a href="#">Airdrie-Bathgate Railway and Linked Improvements Act 2007 (asp 19)</a> , <a href="#">sch. 8 para. 1(1)(a)</a> (with ss. 48, 59)   |
| C8 | S. 6 excluded (18.3.2011) by <a href="#">Forth Crossing Act 2011 (asp 2)</a> , <a href="#">ss. 63(1), 80(2)</a> (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.   |
| C9 | Ss. 6-25 applied (with modifications) (1.10.2015) by <a href="#">The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015 (S.S.I. 2015/243)</a> , regs. 1, 15, <a href="#">sch. 3</a> (with reg. 2) |

## 7 Authorisation of works: listed building consent.

- (1) Works for the alteration or extension of a listed building are authorised if—
- (a) the planning authority or the Secretary of State has granted written consent for the execution of the works, and
  - (b) the works are executed in accordance with the terms of the consent and of any conditions attached to it.
- (2) Works for the demolition of a listed building are authorised if—
- (a) such consent has been granted for their execution,
  - (b) notice of the proposal to execute the works has been given to [<sup>F1</sup>Historic Environment Scotland] ,
  - (c) after such notice has been given either—
    - (i) for a period of at least 3 months following the grant of listed building consent, and before the commencement of the works, reasonable access to the building has been made available to [<sup>F2</sup>Historic Environment Scotland] for the purpose of recording it, or
    - [<sup>F3</sup>(ii) Historic Environment Scotland has stated in writing that it has completed its recording of that building or that it does not wish to record it,] and
  - (d) the works are executed in accordance with the terms of the consent and of any conditions attached to it.
- (3) Where—
- (a) works for the alteration, extension or demolition of a listed building have been executed without such consent, and
  - (b) written consent is granted by the planning authority or the Secretary of State for the retention of the works,
- the works are authorised from the grant of that consent.
- <sup>F4</sup>(4) .....
- (5) The Secretary of State may by order provide that subsection (2) shall have effect with the substitution for the reference to [<sup>F5</sup>Historic Environment Scotland] of a reference to such other body as may be so specified.
- (6) Such an order shall apply in the case of works executed or to be executed on or after such date as may be specified in the order.
- (7) Consent under subsection (1), (2) or (3) is referred to in this Act as “listed building consent”.

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### Textual Amendments

- F1** Words in s. 7(2)(b) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\), s. 31\(2\), sch. 3 para. 8\(a\)\(i\)](#) (with ss. 29, 30); [S.S.I. 2015/31, art. 2, sch.](#); [S.S.I. 2015/196, art. 2, sch.](#)
- F2** Words in s. 7(2)(c)(i) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\), s. 31\(2\), sch. 3 para. 8\(a\)\(ii\)](#) (with ss. 29, 30); [S.S.I. 2015/31, art. 2, sch.](#); [S.S.I. 2015/196, art. 2, sch.](#)
- F3** S. 7(2)(c)(ii) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\), s. 31\(2\), sch. 3 para. 8\(a\)\(iii\)](#) (with ss. 29, 30); [S.S.I. 2015/31, art. 2, sch.](#); [S.S.I. 2015/196, art. 2, sch.](#)
- F4** S. 7(4) repealed (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\), s. 31\(2\), sch. 3 para. 8\(b\)](#) (with ss. 29, 30); [S.S.I. 2015/31, art. 2, sch.](#); [S.S.I. 2015/196, art. 2, sch.](#)
- F5** Words in s. 7(5) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\), s. 31\(2\), sch. 3 para. 8\(c\)](#) (with ss. 29, 30); [S.S.I. 2015/31, art. 2, sch.](#); [S.S.I. 2015/196, art. 2, sch.](#)

### Modifications etc. (not altering text)

- C9** Ss. 6-25 applied (with modifications) (1.10.2015) by [The Planning \(Listed Building Consent and Conservation Area Consent Procedure\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/243\), regs. 1, 15, sch. 3](#) (with [reg. 2](#))
- C10** S. 7(2) savings for effects of 2014 asp 19, Sch. 3 para. 8(a) (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\), arts. 1\(1\), 16](#)

## 8 Offences.

- (1) If a person contravenes section 6 he shall be guilty of an offence.
- (2) Without prejudice to subsection (1), if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent, he shall be guilty of an offence.
- (3) In proceedings for an offence under this section it shall be a defence to prove the following matters—
  - (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building,
  - (b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter,
  - (c) that the works carried out were limited to the minimum measures immediately necessary, and
  - (d) that notice in writing justifying in detail the carrying out of the works was given to the planning authority as soon as reasonably practicable.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding [<sup>F6</sup>£50,000], or both, or
  - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.

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- (5) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

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**Textual Amendments**

- F6** Word in s. 8(4)(a) substituted (1.12.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011](#) (asp 3), **ss. 19, 33(2)**; S.S.I. 2011/372, art. 2, sch.

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**Modifications etc. (not altering text)**

- C9** Ss. 6-25 applied (with modifications) (1.10.2015) by [The Planning \(Listed Building Consent and Conservation Area Consent Procedure\) \(Scotland\) Regulations 2015](#) (S.S.I. 2015/243), regs. 1, 15, **sch. 3** (with reg. 2)

**Changes to legislation:**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Cross Heading:  
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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1)(aa)-(ad) inserted by [2006 asp 17 s. 55\(5\)](#)