



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

1997 CHAPTER 9

PART II

CONSERVATION AREAS

Control of demolition

66 Control of demolition in conservation areas.

- (1) A building in a conservation area shall not be demolished without the consent of the appropriate authority (in this Act referred to as “conservation area consent”).
- (2) The appropriate authority for the purposes of this section is—
 - [^{F1}(a) the planning authority, or
 - (b) the Scottish Ministers.]
- (3) The following provisions of this Act, namely—
 - sections 6 to 25,
 - sections 28 to [^{F2}41],
 - sections 56 to 58,
 - section 59(1),
 - section 73(2) to (4), [^{F3}section 73B and section 73D,]
 - section 74(1)(b), (3) and (4), and
 - section 80(2),

shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings subject to such exceptions and modifications as may be prescribed by regulations.

- (4) Any such regulations may make different provision in relation to—
 - (a) applications made by planning authorities, and

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(b) other applications.

Textual Amendments

- F1** S. 66(2)(a)(b) substituted (1.10.2015) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), **ss. 24(2), 31(2)** (with **ss. 29, 30**); S.S.I. 2015/196, art. 2, sch.
- F2** Word in s. 66(3) substituted (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 23(2), 33(2)**; S.S.I. 2011/174, art. 2, sch.; S.S.I. 2011/372, art. 2, sch.
- F3** Words in s. 66(3) inserted (11.5.2006) by [The Planning and Compulsory Purchase Act 2004 \(Commencement No. 2 and Consequential Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/243\)](#), arts. 1(1), **5(3)**

Modifications etc. (not altering text)

- C1** S. 66 excluded (11.8.2004) by [Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 \(asp 10\)](#), **sch. 10 para. 1(2)(b)** (with s. 33)
- C2** S. 66 excluded (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), **s. 72(5)** (with s. 75)
- C3** S. 66 excluded (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), **s. 73(5)** (with **ss. 76, 84**)
- C4** S. 66 excluded (24.7.2006) by [Waverley Railway \(Scotland\) Act 2006 \(asp 13\)](#), **sch. 9 para. 1(4)** (with **ss. 50(2), 51**)
- C5** S. 66 excluded (18.3.2011) by [Forth Crossing Act 2011 \(asp 2\)](#), **ss. 64, 80(2)** (with **ss. 69, 78**); S.S.I. 2011/38, art. 2, sch.

67 Cases in which section 66 does not apply.

- (1) Section 66 does not apply to—
- (a) listed buildings,
 - (b) ecclesiastical buildings which are for the time being used for ecclesiastical purposes,
 - (c) buildings for the time being included in the Schedule of monuments compiled and maintained under section 1 of the ^{M1}Ancient Monuments and Archaeological Areas Act 1979, or
 - (d) buildings in relation to which a direction under subsection (2) is for the time being in force.
- (2) The Secretary of State may direct that section 66 shall not apply to any description of buildings specified in the direction.
- (3) A direction under subsection (2) may be given either to an individual planning authority or to planning authorities generally.
- (4) The Secretary of State may vary or revoke a direction under subsection (2) by a further direction under that subsection.
- (5) For the purposes of subsection (1)(b), a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be treated as not being an ecclesiastical building.
- (6) For the purposes of sections 6 to 8 as they apply by virtue of section 66(3) a building shall be taken to be used for the time being for ecclesiastical purposes if it would be so used but for the works in question.

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- (7) The Secretary of State may by order provide for restricting or excluding the operation of subsection (1)(b) in such cases as may be specified in the order.
- (8) An order under subsection (7) may—
- (a) make provision for buildings generally, for descriptions of building or for particular buildings;
 - (b) make different provision for buildings in different areas, for buildings of different religious faiths or denominations or according to the use made of the building;
 - (c) make such provision in relation to a part of a building (including, in particular, an object or structure falling to be treated as part of the building by virtue of section 1(4)) as may be made in relation to a building and make different provision for different parts of the same building;
 - (d) make different provision with respect to works of different descriptions or according to the extent of the works;
 - (e) make such consequential adaptations or modifications of the operation of any other provision of this Act or the principal Act, or of any instrument made under either of those Acts, as appear to the Secretary of State to be appropriate.
- (9) Subsections (7) and (8) are without prejudice to the ^{M2}Church of Scotland Act 1921.
- (10) Any proceedings on or arising out of an application for conservation area consent made while section 66 applies to a building shall lapse when it ceases to apply to it, and any such consent granted with respect to the building shall also lapse.
- (11) The fact that that section has ceased to apply to a building shall not affect the liability of any person to be prosecuted and punished for an offence under section 8 or 39 committed with respect to the building while that section did apply to it.

Marginal Citations**M1** 1979 c. 46.**M2** 1921 c. 29.**68 Urgent works to preserve unoccupied buildings in conservation areas.**

If it appears to the Secretary of State that the preservation of a building in a conservation area is important for maintaining the character or appearance of that area, he may direct that section 49 shall apply to it as it applies to listed buildings.

Changes to legislation:

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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\(5\)](#)