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**Changes to legislation:** Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, SCHEDULE 2 is up to date with all changes known to be in force on or before 03 September 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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## SCHEDULES

### SCHEDULE 2

Section 5.

#### LAPSE OF BUILDING PRESERVATION NOTICE

- 1 This Schedule applies where a building preservation notice ceases to be in force by virtue of—
- (a) the expiry of the 6 months period mentioned in subsection (3)(b) of section 3; or
  - (b) the service of a notification by [<sup>F1</sup>Historic Environment Scotland] under subsection (4)(b) of that section.

#### Textual Amendments

- F1** Words in Sch. 2 para. 1(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. 28** (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)

- C1** Sch. 2 para. 1(b) savings for effects of 2014 asp 19, Sch. 3 para. 28 (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), **14**

- 2 The fact that the notice has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 8 or 39 committed by him with respect to the building while it was in force.
- 3 Any proceedings on or arising out of an application for listed building consent with respect to the building made while the notice was in force and any such consent granted while it was in force shall lapse.
- 4 (1) Any listed building enforcement notice served by the planning authority while the building preservation notice was in force shall cease to have effect.
- (2) Any proceedings on it under sections 34 to 37 shall lapse.
- (3) Notwithstanding sub-paragraph (1), section 38(1) and (2) shall continue to have effect as respects any expenses incurred by the planning authority, owner, lessee or occupier as mentioned in that section and with respect to any sums paid on account of such expenses.

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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\(5\)](#)