



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER III

RIGHTS OF OWNERS ETC.

Listed building purchase notices

32 Effect of Secretary of State's action in relation to listed building purchase notice.

- (1) Where the Secretary of State confirms a listed building purchase notice, the authority on whom the notice was served shall be deemed—
 - (a) to be authorised to acquire the owner's or lessee's interest in the land compulsorily in accordance with the provisions of section 42, and
 - (b) to have served a notice to treat in respect of it on such date as the Secretary of State may direct.
- (2) If before the end of the relevant period the Secretary of State has neither—
 - (a) confirmed the listed building purchase notice, nor
 - (b) notified the owner or lessee by whom it was served that he does not propose to confirm it, nor
 - (c) taken any such action in respect of it as is mentioned in subsection (4) or (5) of section 31,

the notice shall be deemed to be confirmed at the end of that period and the authority on whom the notice was served shall be deemed to have been authorised as is mentioned

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 32 is up to date with all changes known to be in force on or before 28 March 2024. 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

- in subsection (1)(a) and to have served a notice to treat in respect of the owner's or lessee's interest at the end of that period.
- (3) Where a listed building purchase notice is confirmed in respect of only part of the land, references in this section to the owner's or lessee's interest in the land are references to the owner's or lessee's interest in that part.
- (4) Where a listed building purchase notice is modified under section 31(6) by the substitution of another planning authority or statutory undertakers for the authority on whom the notice was served, the reference in subsection (1) to that authority is to that other planning authority or those statutory undertakers.
- (5) In this section “the relevant period” means, subject to subsection (6)—
- (a) the period of 9 months beginning with the date of the service of the listed building purchase notice, or
 - (b) if it ends earlier, the period of 6 months beginning with the date on which a copy of the purchase notice was sent to the Secretary of State.
- (6) The relevant period does not run if the Secretary of State has before him at the same time both—
- (a) a copy of the listed building purchase notice sent to him under section 29(4), and
 - (b) a notice of appeal under section 18 or 35 relating to any of the land to which the purchase notice relates.
- (7) Where any decision by the Secretary of State to confirm or not to confirm a listed building purchase notice (including any decision to confirm the notice only in respect of part of the land, or to give any direction as to the granting of listed building consent or planning permission) is quashed under section 58, the notice shall be treated as cancelled, but the owner or lessee may serve a further notice in its place.
- (8) For the purposes of determining whether such a further notice has been served within the period prescribed for the service of listed building purchase notices, the decision concerning listed building consent on account of which the notice has been served shall be treated as having been made on the date on which the decision of the Secretary of State was quashed.

Modifications etc. (not altering text)

- C1** Ss. 28-41I 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](#))
- C2** S. 32(4): power to modify conferred (27.5.1997) by [1980 c. 65](#), [Sch. 30 Pt. II para. 13](#) (as substituted (27.5.1997) by [1997 c. 11](#), ss. 4, 6(2), [Sch. 2 para. 31\(12\)](#))

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 32 is up to date with all changes known to be in force on or before 28 March 2024. 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.

[View outstanding changes](#)

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\(5\)](#)