



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER V

PREVENTION OF DETERIORATION AND DAMAGE

Damage to listed buildings

53 Acts causing or likely to result in damage to listed buildings.

- (1) If, with the intention of causing damage to a listed building, any relevant person does or permits the doing of any act which causes or is likely to result in damage to the building, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person is a relevant person for the purpose of subsection (1) if apart from that subsection he would be entitled to do or permit the act in question.
- (3) Subsection (1) does not apply to an act for the execution of works—
 - (a) authorised by planning permission granted or deemed to be granted in pursuance of an application under the principal Act, or
 - (b) for which listed building consent has been given under this Act.
- (4) If a person convicted of an offence under this section fails to take such reasonable steps as may be necessary to prevent any damage or further damage resulting from the offence, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 3 on the standard scale for each day on which the failure continues.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 53 is up to date with all changes known to be in force on or before 23 May 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](#)

Modifications etc. (not altering text)

- C1** S. 53 excluded (11.8.2004) by [Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 \(asp 10\)](#), **sch. 10 para. 2** (with s. 33)
- C2** S. 53 excluded (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), **s. 72(7)** (with s. 75)
- C3** S. 53 excluded (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), **s. 73(7)** (with ss. 76, 84)
- C4** S. 53 excluded (24.7.2006) by [Waverley Railway \(Scotland\) Act 2006 \(asp 13\)](#), **sch. 9 para. 2** (with ss. 50(2), 51)
- C5** S. 53 excluded (15.1.2007) by [Glasgow Airport Rail Link Act 2007 \(asp 1\)](#), **sch. 8 para. 2** (with s. 50)
- C6** S. 53 excluded (19.4.2007) by [Edinburgh Airport Rail Link Act 2007 \(asp 16\)](#), **sch. 8 para. 2** (with ss. 52, 60)
- C7** S. 53 excluded (8.5.2007) by [Airdrie-Bathgate Railway and Linked Improvements Act 2007 \(asp 19\)](#), **sch. 8 para. 2** (with ss. 48, 59)
- C8** S. 53 excluded (18.3.2011) by [Forth Crossing Act 2011 \(asp 2\)](#), **ss. 63(4), 80(2)** (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

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\(5\)](#)