



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

1997 CHAPTER 9

PART III

GENERAL

Miscellaneous provisions

79 Application of certain general provisions of principal Act.

- (1) Subject to ^[F1]subsections (1A) and] (2), the following provisions of the principal Act shall apply for the purposes of this Act as they apply for the purposes of that Act—
- section 85 (power to make provision for determination of claims),
 - section 146 (interdicts restraining breaches of planning control),
 - section 195 (general vesting declarations),
 - section 265 (local inquiries),
 - ^[F2]section 265A (planning inquiries to be held in public subject to certain exceptions),]
 - section 266 (orders as to expenses of parties where no local inquiry held),
 - section 267 (procedure on certain appeals and applications),
 - section 271 (service of notices),
 - ^[F3]section 271A(1) and (2) (service of notices on the Crown),]
 - section 272 (power to require information as to interests in land),
 - ^[F4]section 272A(1) to (4) (information as to interests in Crown land),]
 - section 273 (offences by corporations), and
 - ^[F5]section 275A (further provision as regards regulations: inquiries, etc.),]
 - section 276 (Act not excluded by special enactments).

- ^[F6](1A) Subsection (1)(cc) of section 271 of the principal Act shall not apply to—
- (a) serving a building preservation notice;

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 79 is up to date with all changes known to be in force on or before 02 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](#)

- (b) serving a copy of a listed building enforcement notice by a planning authority;
- (c) giving notice under section 34 of this Act of the exercise of powers conferred by subsection (7) of that section;
- (d) serving a listed building enforcement notice issued by the Scottish Ministers; and
- (e) giving notice to parties who must be notified of applications for listed building consent and other matters in accordance with regulations made under section 10 of that Act.]

(2) Section 273 of that Act shall not apply to offences under section 53 of this Act.

[^{F7}(3) In the application of section 265A of the principal Act for the purposes of this Act, the provisions mentioned in subsection (1) of the section shall be construed as including any inquiry held by virtue of this section.]

Textual Amendments

- F1** Words in s. 79(1) substituted (28.7.2004) by [The Town and Country Planning \(Electronic Communications\) \(Scotland\) Order 2004 \(S.S.I. 2004/332\)](#), arts. 1(1), **10(1)(2)**
- F2** Words in s. 79(1) inserted (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), **Sch. 5 para. 20(2)(a)** (with s. 111); S.S.I. 2006/268, art. 3(f)
- F3** Words in s. 79(1) inserted (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), **Sch. 5 para. 20(2)(b)** (with s. 111); S.S.I. 2006/268, art. 3(f)
- F4** Words in s. 79(1) inserted (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), **Sch. 5 para. 20(2)(c)** (with s. 111); S.S.I. 2006/268, art. 3(f)
- F5** Words in s. 79(1) inserted (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 29(1)**, 33(2); S.S.I. 2011/174, art. 2, sch.
- F6** S. 79(1A) inserted (28.7.2004) by [The Town and Country Planning \(Electronic Communications\) \(Scotland\) Order 2004 \(S.S.I. 2004/332\)](#), arts. 1(1), **10(1)(3)**
- F7** S. 79(3) inserted (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), **Sch. 5 para. 20(3)** (with s. 111); S.S.I. 2006/268, art. 3(f)

Changes to legislation:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 79 is up to date with all changes known to be in force on or before 02 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\(5\)](#)