



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

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER II

AUTHORISATION OF WORKS AFFECTING LISTED BUILDINGS

Control of works in respect of listed buildings

8 Offences.

- (1) If a person contravenes section 6 he shall be guilty of an offence.
- (2) Without prejudice to subsection (1), if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent, he shall be guilty of an offence.
- (3) In proceedings for an offence under this section it shall be a defence to prove the following matters—
 - (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building,
 - (b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter,
 - (c) that the works carried out were limited to the minimum measures immediately necessary, and
 - (d) that notice in writing justifying in detail the carrying out of the works was given to the planning authority as soon as reasonably practicable.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 8 is up to date with all changes known to be in force on or before 22 October 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](#)

- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding [^{F1}£50,000] , or both, or
 - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.
- (5) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

Textual Amendments

- F1** Word in s. 8(4)(a) substituted (1.12.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 19, 33(2)**; S.S.I. 2011/372, art. 2, sch.
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Modifications etc. (not altering text)

- C1** Ss. 6-25 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)

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\(5\)](#)