

1973 No. 1742 (S.133)

TOWN AND COUNTRY PLANNING, SCOTLAND
The Town and Country Planning (Listed and Controlled
Buildings) (Scotland) Regulations 1973

<i>Made</i> - - - -	16th October 1973
<i>Laid before Parliament</i>	29th October 1973
<i>Coming into Operation</i>	20th November 1973

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In exercise of the powers conferred upon me by sections 52(5), 54(6), 88(3) and (4), 95(3), 160(2), 161(1), 162(3), 179(1), 257, 273(1) and 275 of, and paragraphs 1, 2, 7, 8 and 11 of Schedule 10 to, the Town and Country Planning (Scotland) Act 1972^(a) as read with section 9(2) of, and Part 1 of Schedule 3 to, the Town and Country Planning (Amendment) Act 1972^(b) as substituted by Schedule 21 to the Town and Country Planning (Scotland) Act 1972, and by paragraph 8 of Schedule 3 to the Town and Country Planning (Amendment) Act 1972 as

^(a) 1972 c. 52.

^(b) 1972 c. 42.

substituted by Schedule 21 to the Town and Country Planning (Scotland) Act 1972, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and Commencement

1. These regulations may be cited as the Town and Country Planning (Listed and Controlled Buildings) (Scotland) Regulations 1973 and shall come into operation on 20th November 1973.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“the Amendment Act” means the Town and Country Planning (Amendment) Act 1972;

“listed building” has the meaning assigned to it by section 52(7) of the Act;

“listed building consent” means the consent required by section 53(2) of the Act in respect of works for the demolition, extension or alteration of a listed building;

“controlled building” means a building in respect of which a direction has been made under section 9 of the Amendment Act;

“controlled building consent” means the consent required by section 53(2) of the Act as extended by paragraph 1 of Schedule 3 to the Amendment Act as read with section 9 of the Amendment Act to works for the demolition of a building in a conservation area and subject to a direction under section 9 of the Amendment Act;

“controlled building enforcement notice” means an enforcement notice within the meaning of section 92 of the Act as extended by paragraph 2 of Schedule 3 to the Amendment Act;

“controlled building purchase notice” means a purchase notice within the meaning of section 179 of the Act as extended by paragraph 3 of Schedule 3 to the Amendment Act;

“section 9 of the Amendment Act” means section 9 of the Town and Country Planning (Amendment) Act 1972 as substituted by Schedule 21 to the Town and Country Planning (Scotland) Act 1972; and

“Schedule 3 to the Amendment Act” means Schedule 3 to the Town and Country Planning (Amendment) Act 1972 as substituted by Schedule 21 to the Town and Country Planning (Scotland) Act 1972.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Revocation and savings

3.—(1) The Town and Country Planning (Listed Buildings) (Scotland) Regulations 1970(b) are hereby revoked.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(a) 1889 c. 63.

(b) S.I. 1970/1035 (1970 II, p. 3202).

(3) So much of any document, drawing or plan as refers expressly or by implication to any regulation revoked by these regulations shall, if and so far as the context permits, be construed as referring to the corresponding provision of these regulations.

(4) Nothing in paragraphs (2) and (3) of this regulation shall be taken as affecting the general application by regulation 2(2) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeal) with regard to the effect of revocation.

Applications for listed building consent and controlled building consent

4.—(1) An application to a local planning authority for listed building consent or controlled building consent shall—

- (a) be made on a form issued by the local planning authority and obtainable from that authority;
- (b) include the particulars required by that form;
- (c) be accompanied by a plan sufficient to identify the building to which it relates and by such other plans or drawings as are necessary to describe the works which are the subject of the application; and
- (d) be accompanied by two further copies of the form and of any plans or drawings.

(2) The local planning authority may by a direction in writing addressed to the applicant require him to provide such further information, in addition to that given in the application, as may be requisite to enable them to determine the application, or to produce to them such evidence as they may reasonably call for to verify any particulars of information given to them.

(3) The period within which the local planning authority shall give notice to an applicant of their decision or of the reference of an application to the Secretary of State shall be two months from the date of the receipt of the application by the authority or such extended period as may at any time (except where the applicant has already given notice of appeal to the Secretary of State) be agreed upon in writing between the applicant and the local planning authority.

(4) Every such notice shall be in writing and where the local planning authority decide to grant listed building consent or controlled building consent subject to conditions or to refuse it, they shall state their reasons in writing and send with the decision a notification in the terms (or substantially in the terms) set out in Schedule 1 hereto.

Advertisement of applications

5.—(1) Where an application for listed building consent or controlled building consent is made to a local planning authority in respect of any building the authority shall—

- (a) publish in a local newspaper circulating in the locality in which the building is situated a notice indicating the nature of the works which are the subject of the application and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice; and
- (b) for not less than 7 days display on or near the said building a notice containing the same particulars as are required to be contained in the

notice to be published in accordance with sub-paragraph (a) of this paragraph.

(2) An application for listed building consent or controlled building consent shall not be determined by the local planning authority before both of the following periods have elapsed, namely—

- (a) the period of 21 days referred to in sub-paragraph (a) of paragraph (1) of this regulation; and
- (b) the period of 21 days beginning with the date on which the notice required by sub-paragraph (b) of paragraph (1) of this regulation was first displayed;

and in determining the application the authority shall take into account any representations relating to the application which are received by them before both those periods have elapsed.

Certificates to accompany applications and appeals

6.—(1) A local planning authority shall not entertain an application for listed building consent or controlled building consent unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—

- (a) a certificate stating that in respect of every part of the land to which the application relates the applicant is the proprietor of the dominium utile or is the lessee under a lease thereof;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of 21 days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either sub-paragraph (a) or (b) of this paragraph that he has given the requisite notice of the application to such one or more of the persons mentioned in sub-paragraph (b) of this paragraph as are specified in the certificate (setting out their names, the address at which notice of the application was given to them respectively, and the date of service of each such notice), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so;
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (a) of this paragraph that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) of this paragraph and that he has been unable to do so.

(2) Any such certificate as is mentioned in sub-paragraph (c) or sub-paragraph (d) of paragraph (1) of this regulation shall also contain a statement that the requisite notice of the application, as set out in the certificate, has on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in sub-paragraph (b) of paragraph (1) of this regulation) been published in a local newspaper circulating in the locality in which the land in question is situated.

(3) Where an application for listed building consent or controlled building consent is accompanied by such a certificate as is mentioned in sub-paragraph (b) sub-paragraph (c) or sub-paragraph (d) of paragraph (1) of this regulation—

- (a) the local planning authority shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later;
- (b) the local planning authority, in determining the application, shall take into account any representations relating thereto which are made to them, before the end of the period specified in sub-paragraph (a) of this paragraph, by any person who satisfies them that he is an owner of any of the land to which the application relates; and
- (c) the local planning authority shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with sub-paragraph (b) of this paragraph.

(4) Subject to the provisions of paragraph 1(b) of Schedule 3 to the Amendment Act, the provisions of paragraphs (1) to (3) of this regulation shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under paragraph 7 or paragraph 8 of Schedule 10 to the Act as they apply in relation to an application for listed building consent or controlled building consent which falls to be determined by the local planning authority.

(5) Certificates issued for the purposes of this regulation shall be in the forms set out in Part I of Schedule 2 hereto.

(6) The requisite notices for the purposes of the provisions of this regulation in relation to applications shall be in the forms set out in Part II of Schedule 2 hereto.

(7) The requisite notices for the purposes of the provisions of this regulation in relation to appeals shall be in the forms set out in Part III of Schedule 2 hereto.

(8) For the purpose of this regulation the persons who are to be treated as owners of the land to which an application for listed building consent or controlled building consent relates are persons, who, in respect of any part of the land, are the proprietors of the dominium utile or are the lessees under a lease thereof of which not less than ten years remain unexpired.

Appeals

7.—(1) Any person who desires to appeal—

- (a) against a decision of a local planning authority refusing listed building consent or controlled building consent or granting such consent subject to conditions, or
 - (b) on the failure by a local planning authority to give notice of their decision or of the reference of the application to the Secretary of State,
- shall give notice of appeal to the Secretary of State within six months of the receipt of the notice of the decision or of the expiry of the appropriate period allowed under regulation 4(3) of these regulations as the case may be, or such longer period as the Secretary of State may at any time allow.

(2) Any such person shall also furnish to the Secretary of State a copy of the following documents:—

- (a) the application made to the local planning authority;

- (b) all relevant plans, drawings, particulars or documents submitted with the application, including a copy of the certificate given in accordance with regulation 6 of these regulations;
- (c) the notice of the decision, if any; and
- (d) all other relevant correspondence with the local planning authority.

Claims for compensation and listed and controlled building purchase notices

8.—(1) This regulation applies to—

- (a) a claim for compensation made to a local planning authority under—
 - (i) section 160 of the Act (compensation for refusal of consent to the alteration or extension of a listed building);
 - (ii) section 161 of the Act (compensation where listed building consent is revoked or modified);
 - (iii) section 161 of the Act as extended by paragraph 3 of Schedule 3 to the Amendment Act (compensation where controlled building consent is revoked or modified);
 - (iv) section 162 of the Act (compensation for loss or damage caused by the service of a building preservation notice); and
 - (v) paragraph 8 of Schedule 3 to the Amendment Act (compensation for loss or damage directly attributable to the effect of a direction made under section 9 of the Amendment Act);
- (b) a listed building purchase notice served on a local planning authority under section 179 of the Act; and
- (c) a controlled building purchase notice served on a local planning authority under section 179 of the Act as extended by paragraph 3 of Schedule 3 to the Amendment Act.

(2) Any such claim or notice as is mentioned in paragraph (1) of this regulation shall be in writing and shall be served on the local planning authority by delivering it at the offices of that authority addressed to the clerk thereof or by sending it so addressed by pre-paid post.

(3) The time within which any such claim or notice as is mentioned in paragraph (1) of this regulation shall be served shall be—

- (a) in the case of a claim for compensation, 6 months; and
- (b) in the case of a listed building purchase notice or controlled building purchase notice, 12 months

from the date of the decision in respect of which the claim or notice is made or given, or such longer period as the Secretary of State may allow in any particular case.

Advertisement of unopposed revocation or modification order

9. Where by virtue of the provisions of paragraph 11(2) of Schedule 10 to the Act as extended by paragraph 1 of Schedule 3 to the Amendment Act (advertisement of unopposed order revoking or modifying listed building consent or controlled building consent) the making of an order under paragraph 9 of Schedule 10 to the Act in respect of works to or demolition of a building is required to be advertised, the local planning authority shall publish in a local newspaper circulating in the area in which the building is situated an advertisement stating that the order has been made and specifying the periods required by paragraph 11(2) of Schedule 10 to the Act as extended as aforesaid to be specified.

Application of provisions of the Water (Scotland) Act 1946 to listed building and controlled building enforcement notices

10. The provisions set out in Schedule 3 to these regulations being sections 57 and 68 of the Water (Scotland) Act 1946(a), adapted and modified for the purposes of these regulations, shall apply in relation to steps required to be taken by a listed building and controlled building enforcement notice under section 92 of the Act as extended by paragraph 2 of Schedule 3 to the Amendment Act.

Application of listed building control to buildings of local planning authorities

11.—(1) In relation to buildings of local planning authorities which are listed buildings, and to the execution of works for their demolition, alteration or extension, the provisions of Part IV of Schedule 19 to the Act, other than sections 160, 161 and 179 thereof, shall have effect but subject to the exceptions and modifications prescribed by this regulation.

(2) Where listed building consent is required in respect of listed buildings belonging to local authorities in respect of which they are the local planning authorities, application shall be made to the Secretary of State for that consent.

(3) Any such application shall—

- (a) be made in the form of an application to the local planning authority;
- (b) be published and displayed by the local planning authority in the same manner as an application made to them for listed building consent and in accordance with the provisions of regulation 5(1) of these regulations; and
- (c) be deemed to have been referred to the Secretary of State under paragraph 4 of Schedule 10 to the Act;

and the provisions of paragraph 4 of Schedule 10 to the Act shall apply to the determination of the application by the Secretary of State.

(4) In relation to a listed building belonging to a local authority in respect of which they are the local planning authority, the Secretary of State may serve any notice authorised to be served by a local planning authority in relation to a listed building.

Form of notice that a building has become, or ceased to be, listed

12. The forms set out in Schedule 4 hereto (or forms substantially to the like effect) are the prescribed forms of notice for the purposes of section 52(5) of the Act (service of notice that a building has been listed).

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St Andrew's House,
Edinburgh.
16th October 1973.

SCHEDULE 1

Regulation 4

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF LISTED BUILDING OR CONTROLLED BUILDING CONSENT OR GRANT OF SUCH CONSENT SUBJECT TO CONDITIONS

1. If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent or controlled building consent for the proposed works, or to grant such consent subject to conditions, he may, by notice served within six months of the receipt of this notice, appeal to the Secretary of State in accordance with paragraph 7 of Schedule 10 to the Town and Country Planning (Scotland) Act 1972. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed works are in progress.

2. If listed building consent or controlled building consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the local planning authority in whose district the land is situated a listed building purchase notice or a controlled building purchase notice requiring that authority to purchase his interest in the land in accordance with the provisions of section 179 of the Town and Country Planning (Scotland) Act 1972 as extended by paragraph 3 of Schedule 3 to the Town and Country Planning (Amendment) Act 1972.

3. In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 160 of the Town and Country Planning (Scotland) Act 1972.

SCHEDULE 2

Regulation 6

PART I

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

Certificate under paragraph 2 of Schedule 10

*Certificate A** I hereby certify that:—

I am

*The applicant is the proprietor of the dominium utile
The appellant is the lessee under a lease

of every part of the land (a) to which the accompanying application *
appeal

dated.....relates.

Or:—

*Certificate B** I hereby certify that:—

I have

*The applicant has given the requisite notice to all the persons
The appellant has

who, 21 days before the date of the accompanying *application,
appeal

were owners of any of the land (a) to which the *application
appeal

relates, viz:—

Name of owner

Address

Date of service
of notice

*Delete where inappropriate.

Or:—

*Certificate C**

I hereby certify that:—

I am

1. *The applicant is unable to issue a certificate in accordance
The appellant is
 with either sub-paragraph (a) or sub-paragraph (b) of regulation
 6(1) of the Town and Country Planning (Listed and Controlled
 Buildings) (Scotland) Regulations 1973 in respect of the accom-
 panying *application
appeal

dated.....

I have

2. *The applicant has given the requisite notice to the following
The appellant has
 persons who, 21 days before the date of the *application were
appeal
 owners of the land (a), or part thereof, to which the *application
appeal

relates, viz:—

Name of owner	Address	Date of Service of Notice
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I have

3. *The applicant has taken the steps listed below, being steps
The appellant has
 reasonably open to *me, to ascertain the names and addresses of
him
 the other owners of the land or part thereof and *have been
has

unable to do so:

(b)

4. Notice of the *application as set out below has been published
appeal

in the

(c)
 on (d).....

Copy of notice as published

Or:—

* Delete where inappropriate.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

*Notice under paragraph 2 of Schedule 10 of application for
listed building consent or controlled building consent.*

[Notice for publication in local newspaper]

Proposal to carry out works for [demolishing] [altering] [extending]*.....
.....(a).

Notice is hereby given that application is being made to the [Town] [County]*
Council of.....(b) by.....(c) for
[listed building] [controlled building]* consent to(d).

Any owner of the land or building(s) (including a person entitled to possession under
a lease the unexpired period of which is not less than ten years) who wishes to make
representations to the council about the application should make them in writing,
within 21 days of the date of publication of this notice to the [Town Clerk] [County
Clerk]* at.....(e).

Signed

[On behalf of.....]*

Date

Notes

(a) Insert name, address, or location, of building with sufficient precision to ensure
identification of it.

(b) Insert name of local planning authority.

(c) Insert name of applicant.

(d) Insert description of proposed works and name, address, or location of building.

(e) Insert address of local planning authority.

PART III

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

*Notice under paragraph 7 of Schedule 10 of appeal against refusal, etc. of
listed building consent or controlled building consent*

[Notice for service on individuals]

Proposal to carry out works for [demolishing] [altering] [extending]*.....
.....(a).

TAKE NOTICE that an appeal is being made to the Secretary of State by.....(b)

(i) against the decision of the [Town] [County] Council of.....(c)

(ii) on the failure of the [Town] [County] Council of.....(c) to
give a decision

on an application to.....(d).

If you wish to make representations to the Secretary of State about the appeal you
should make them in writing, within 21 days of the date of service of this notice, to the
Secretary, Scottish Development Department, (Room H607), Argyle House, Lady
Lawson Street, Edinburgh EH3 9SF.

Signed

[On behalf of.....]*

Date

* Delete where inappropriate.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972

*Notice under paragraph 7 of Schedule 10 of appeal against refusal, etc.,
of listed building consent or controlled building consent*

[Notice for publication in local newspaper]

Proposal to carry out works for [demolishing] [altering] [extending]*
.....(a).

Notice is hereby given that an appeal is being made to the Secretary of State by
.....(b).

* (i) against the decision of the [Town] [County]* Council of(c)

* (ii) on the failure of the [Town] [County]* Council of(c)
to give a decision

on an application to(d).

Any owner of the land or building(s) (including a person entitled to possession under a lease the unexpired period of which is not less than ten years) who wishes to make representations to the Secretary of State about the appeal should make them in writing, within 21 days of the date of publication of this notice, to the Secretary, Scottish Development Department, Room H607, Argyle House, Lady Lawson Street, Edinburgh EH3 9SF.

Signed

[On behalf of.....]*

Date

Notes

(a) Insert name, address, or location, of building with sufficient precision to ensure identification of it.

(b) Insert name of appellant.

(c) Insert name of local planning authority.

(d) Insert description of proposed works and name, address, or location of building.

SCHEDULE 3

Regulation 10

*Sections 57 and 68 of the Water (Scotland) Act 1946
as adapted and modified for the purposes of these regulations.*

57. Where a local planning authority claim to recover any expenses under section 95(1) of the Town and Country Planning (Scotland) Act 1972 as extended by paragraph 2 of Schedule 3 to the Town and Country Planning (Amendment) Act 1972 from the person who is then the owner or lessee of the land in respect of which the expenses were incurred, and that person proves that he—

(a) is receiving the rent of that land merely as a trustee, tutor, curator, factor or agent for some other person, and

(b) has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid; but a local planning authority who are or would be debarred by the foregoing provision from recovering the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover the whole or any unpaid balance thereof from the person on whose behalf he receives the rent.

68. If on a complaint by the owner or lessee of any land it appears to the Sheriff that the occupier of that land prevents the owner or lessee, as the case may be, from taking any steps which he is required to take by a listed building enforcement notice or a controlled building enforcement notice served under section 92 of the Town and Country Planning (Scotland) Act 1972 as extended by paragraph 2 of Schedule 3 to the

* Delete where inappropriate.

Town and Country Planning (Amendment) Act 1972 the Sheriff may authorise the owner or lessee, as the case may be, to enter on the land for the purpose of taking those steps.

Regulation 12

SCHEDULE 4

Notice that a building has become listed

IMPORTANT—This communication affects YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as.....
situated in the.....
has been included in the list of buildings of special architectural or historic interest in
that area compiled by the Secretary of State under section 52 of the Town and Country
Planning (Scotland) Act 1972 on.....19...

Dated.....19.....

[Town Clerk]
[County Clerk]

Explanatory Note

Listing of buildings of Special Architectural or Historic Interest

It is understood that you are the owner, lessee, or occupier of the building named in the accompanying notice. This notice is to let you know that the building has been included in one of the lists of buildings of special architectural or historic interest which it is the Secretary of State's duty to compile under section 52 of the Town and Country Planning (Scotland) Act 1972.

This notice does not call for any action on your part unless you propose at any time to demolish the building or to do any works (either to the exterior or to the interior) which would affect its character. In that event you will need to seek "listed building consent", that is to say, the consent of the local planning authority (the Town/County Council of.....) to the work you wish to do.

Certain buildings are exempt from this requirement, notably ecclesiastical buildings in use for the time being for ecclesiastical purposes.

It is an offence if you execute or cause to be executed any works for which listed building consent is necessary without such consent but it is a defence if the works are urgently necessary in the interests of safety or of health, or to preserve the building, provided that you notify the local planning authority in writing, as soon as reasonably practicable, of the need for the works.

There is no right of appeal as such against the listing of a building but if the local planning authority should refuse consent for the carrying out of any proposed works, section 54(6) of the Town and Country Planning (Scotland) Act 1972 as read with paragraph 7 of Schedule 10 to that Act provides a right of appeal against the refusal to the Secretary of State. You are not precluded at any time from writing to the Secretary of State claiming that the building should cease to be listed, on the ground that it is not in fact of special architectural or historic interest; and any such claim, with the evidence supporting it, will be carefully considered.

A fuller explanation of the consequences of the listing of a building is enclosed with this notice. If at any time you propose to take any action which may affect the character of your building, you would be well advised to refer to Part IV of and Schedule 10 to the Town and Country Planning (Scotland) Act 1972 and to the Town and Country Planning (Listed and Controlled Buildings) (Scotland) Regulations 1973.

Notice that a building has ceased to be listed

**IMPORTANT—This communication affects YOUR
PROPERTY**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972
BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

To:

NOTICE IS HEREBY GIVEN that the building known as.....
situated in the.....
has, by an amendment made by the Secretary of State under section 52 of the Town and
Country Planning (Scotland) Act 1972 on.....19..... been
excluded from the list of buildings of special architectural or historic interest in that
area compiled by the Secretary of State on.....19.....

Dated.....19..... [Town Clerk] [County Clerk]

Explanatory Note

The building referred to in the above notice has been excluded from the list because*

**Insert reason for exclusion*

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and re-enact with amendments the Town and Country Planning (Listed Buildings) (Scotland) Regulations 1970 which applied only to buildings included in the list of buildings of special architectural or historic interest. These Regulations however apply also to “controlled buildings”, namely buildings in conservation areas which have been made the subject of a direction under section 9 of the Town and Country Planning (Amendment) Act 1972 as substituted by Schedule 21 to the Town and Country Planning (Scotland) Act 1972. The effect of such a direction is that consent, called “controlled building consent” in these Regulations, is required for the demolition of any of the buildings to which the direction relates, and the relevant provisions of the Town and Country Planning (Scotland) Act 1972 will apply accordingly.

In relation to listed buildings these Regulations re-enact the Regulations of 1970 without amendments of substance and take account of the provisions of the Town and Country Planning (Scotland) Act 1972.

These Regulations accordingly prescribe the manner in which applications for listed building consent or controlled building consent are to be made and advertised, and the manner in which appeals may be made by persons aggrieved by decisions of local planning authorities under Part IV of the Town and Country Planning (Scotland) Act 1972.

These Regulations also—

- (a) prescribe the manner in which and the time within which claims are to be made for compensation arising from the application of statutory control to listed buildings and controlled buildings, the serving of listed building and controlled building purchase notices, the advertising of unopposed orders revoking or modifying listed building or controlled building consents and the execution of works under listed building and controlled building enforcement procedure;
- (b) prescribe forms of notices to owners and occupiers of buildings which become listed or which cease to be listed; and
- (c) provide for the application of Part IV of the Town and Country Planning (Scotland) Act 1972 to works affecting listed buildings belonging to local planning authorities.

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