



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 5

#### GENERAL

*Scheduled monuments, listed buildings etc.*

#### **35 Scheduled monuments, listed buildings etc.**

- (1) This section applies to a building which is—
- (a) included in the schedule of monuments compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46),
  - (b) included in a list of buildings of special architectural or historic interest, being a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9),
  - (c) subject to a building preservation notice under section 3 of that Act, or
  - (d) one to which section 66 of that Act (control of demolition in conservation areas) applies.
- (2) Before—
- (a) serving—
    - (i) a building regulations compliance notice,
    - (ii) a continuing requirement enforcement notice,
    - (iii) a building warrant enforcement notice,
    - (iv) a defective building notice, or
    - (v) a dangerous building notice,requiring a person to carry out any work (including demolition) in relation to a building to which this section applies, or
  - (b) carrying out work under section 29(3) in relation to such a building,
- a local authority must (but in the case of paragraph (a)(v) or (b) only if reasonably practicable) consult the persons specified in subsection (3).
- (3) Those persons are—

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*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 35. (See end of Document for details)*

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- [<sup>F1</sup>(a) Historic Environment Scotland,]  
(b) the planning authority (where the planning authority is not the local authority),  
and  
(c) such other persons as the local authority thinks fit.
- (4) Where, in relation to a building to which this section applies, a person is required by a notice of a description specified in subsection (2)(a) to carry out any work (including demolition) in relation to the building, the requirement has effect only in so far as it is not inconsistent with any provision of the Acts specified in subsection (1) relating to the carrying out of work on or in relation to the building.

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#### Textual Amendments

- F1** S. 35(3)(a) substituted (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Ancillary Provision\) Order 2015 \(S.S.I. 2015/271\)](#), arts. 1, **3(1)** (with art. 3(2))
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#### Commencement Information

- I1** S. 35 in force at 1.5.2005 by [S.S.I. 2004/404](#), **art. 2(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 35.