



Edinburgh Tram (Line Two) Act 2006

2006 asp 6

PART 5

MISCELLANEOUS AND GENERAL

72 Listed buildings and conservation areas

- (1) If a listed building was such a building at the coming into force of this Act and is specified in columns (1) and (2) of Part 1 of schedule 10—
 - (a) section 6 (Restriction on works affecting listed buildings) of the 1997 Act shall not apply to works carried out to such a building under the provisions of this Act;
 - (b) to the extent that a notice issued in relation to the building under section 34(1) (Power to issue listed building enforcement notice) of the 1997 Act requires the taking of steps which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers conferred by this Act, it shall not have effect, or, as the case may be, shall cease to have effect;
 - (c) no steps may be taken in relation to the building under section 38(1) (Execution of works required by listed building enforcement notice) of the 1997 Act which would be rendered ineffective, or substantially ineffective, by such works as are mentioned in paragraph (b); and
 - (d) no works may be executed for the preservation of the building under section 49 (Urgent works to preserve unoccupied listed buildings) of the 1997 Act which would be rendered ineffective, or substantially ineffective, by such works as are mentioned in paragraph (b).
- (2) If a listed building was such a building at the coming into force of this Act and is not specified in Part 2 of schedule 10—
 - (a) section 6 of the 1997 Act shall not apply to works carried out to such a building under the provisions of section 16 (Attachment of equipment to buildings for purposes of works);
 - (b) to the extent that a notice issued in relation to the building under section 34(1) of the 1997 Act requires the taking of steps which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out

Status: This is the original version (as it was originally enacted).

- in exercise of the powers conferred by section 16, it shall not have effect, or, as the case may be, shall cease to have effect;
- (c) no steps may be taken in relation to the building under section 38(1) of the 1997 Act which would be rendered ineffective, or substantially ineffective, by such works as are mentioned in paragraph (b) of this subsection; and
 - (d) no works may be executed for the preservation of the building under section 49 of the 1997 Act which would be rendered ineffective, or substantially ineffective, by such works as are mentioned in paragraph (b) of this subsection.
- (3) In the case of any building specified in columns (1) and (2) of Part 1 of schedule 10 in relation to which any description of works is specified in column (3) of that Part of that schedule, subsection (1) shall have effect as if the references to works carried out in exercise of the powers conferred by this Act were, so far as concerns works of demolition or alteration (as opposed to extension), to works so carried out which are of a description specified in relation to it in that column.
- (4) Paragraphs (a) to (d) of subsections (1) and (2) shall also apply in relation to a listed building which was not such a building immediately before the coming into force of this Act.
- (5) If a building included in a conservation area and not a listed building—
- (a) was not included in a conservation area immediately before the coming into force of this Act, or
 - (b) was included in such an area immediately before that date and is specified in columns (1) and (2) of Part 1 of schedule 10,
- section 66 (Control of demolition in conservation areas) of the 1997 Act shall not apply to the demolition of it in exercise of the powers conferred by this Act.
- (6) Anything which, by virtue of section 1(4) (Listing of buildings of special architectural or historic interest) of the 1997 Act is treated as part of the building for the purposes of that Act, shall be treated as part of the building for the purposes of this section.
- (7) Section 53 (Acts causing or likely to result in damage to listed buildings) of the 1997 Act shall not apply to anything done in exercise of the powers conferred by this Act with respect to works.
- (8) In this section—
- “the 1997 Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9);
 - “building” and “listed building” have the same meaning as in the 1997 Act;
 - “conservation area” means an area which is designated as a conservation area under the terms of the 1997 Act; and
 - “works” includes the attachment of equipment to buildings authorised by section 16 (Attachment of equipment to buildings for purposes of works).