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*Status: This is the original version (as it was originally enacted).*

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## SCHEDULE 8

(introduced by section 42)

### LISTED BUILDINGS AND CONSERVATION AREAS

- 1 (1) In the case of a listed building which was not such a building immediately before the assessment date—
- (a) section 6 of the Listed Buildings Act (restriction on works affecting listed buildings) shall not apply to works carried out in relation to the building in exercise of the powers conferred by Part 1 of this Act;
  - (b) to the extent that a notice issued in relation to the building under section 34(1) of that Act (enforcement) 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 Part 1 of 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) of that Act (execution of works specified in notice under section 34(1)) which would be rendered ineffective, or substantially ineffective, by such works as are mentioned in sub-paragraph (b) above; and
  - (d) no works may be executed for the preservation of the building under section 49 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by such works as are mentioned in sub-paragraph (b) above.
- (2) If a building included in a conservation area and not a listed building was not included in a conservation area immediately before the assessment date, section 66 of the Listed Buildings Act (control of demolition in conservation areas) shall not apply to the demolition of the building in exercise of the powers conferred by Part 1 of this Act.
- (3) Anything which, by virtue of section 1(4) of the Listed Buildings Act (objects or structures fixed to, or within the curtilage of, a building), is treated as part of a building for the purposes of that Act shall be treated as part of the building for the purposes of this paragraph.
- 2 Section 53 of the Listed Buildings Act (acts causing or likely to result in damage to listed buildings) shall not apply to anything done in exercise of the powers conferred by Part 1 of this Act with respect to works.
- 3 In this schedule—
- “the assessment date” means, in the case of a building within the area of—
    - (a) City of Edinburgh Council, 8th October 2004; and
    - (b) West Lothian Council, 20th January 2005;
  - “the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9); and
  - “building” and “listed building” have the same meanings as in the Listed Buildings Act.