



# Historic Environment (Amendment) (Scotland) Act 2011 2011 asp 3

## PART 3

### MODIFICATIONS OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

#### *Recovery of grants for preservation of listed buildings, etc.*

#### **27 Recovery of grants for preservation, etc. of listed buildings and conservation areas**

- (1) The 1997 Act is amended in accordance with this section.
- (2) In section 51 (power of local authority to contribute to the preservation of listed buildings etc.)—
  - (a) after subsection (5) insert—

“(5A) A contribution under this section by way of grant may be made subject to such conditions as the local authority may determine.”,
  - (b) in subsection (6), at the beginning insert “Without prejudice to the generality of subsection (5A),”.
- (3) In section 52 (recovery of grants under section 51)—
  - (a) in subsection (1), at the beginning insert “Subject to subsection (1A),”,
  - (b) after that subsection insert—

“(1A) Where a condition imposed on the making of a grant to which this section applies specifies, or makes provision for calculating, the amount recoverable in the event of a disposal by the grantee of that interest, that amount is the amount recoverable under subsection (1) in respect of the disposal.”,
  - (c) in subsection (4), at the beginning insert “Subject to subsection (4A),”,
  - (d) after that subsection insert—

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*Status: This is the original version (as it was originally enacted).*

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“(4A) Where a condition referred to in subsection (4) specifies, or makes provision for calculating, the amount recoverable in the event of a condition being contravened or not complied with, that amount is the amount recoverable under subsection (4) in respect of the contravention or failure to comply with the condition.”.

(4) In section 70 (recovery of grants under section 69)—

- (a) in subsection (4), at the beginning insert “Subject to subsection (4A),”,
- (b) after that subsection insert—

“(4A) Where a condition imposed on the making of a grant to which this section applies specifies, or makes provision for calculating, the amount recoverable in the event of a disposal by the grantee of that interest, that amount is the amount recoverable under subsection (4) in respect of the disposal.”.

- (c) in subsection (7), at the beginning insert “Subject to subsection (7A),”,
- (d) after that subsection insert—

“(7A) Where a condition referred to in subsection (7) specifies, or makes provision for calculating, the amount recoverable in the event of a condition being contravened or not complied with, that amount is the amount recoverable under subsection (7) in respect of the contravention or failure to comply with the condition.”.