



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

## PART 3

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

#### *Enforcement notices, stop notices and temporary stop notices*

#### **22 Enforcement notice: requirement to cease works**

- (1) The 1997 Act is amended in accordance with this section.
- (2) In section 34 (power to issue listed building enforcement notice)—
  - (a) after subsection (1) insert—

“(1A) A listed building enforcement notice shall specify the alleged contravention and shall (either or both)—

    - (a) specify any works falling within subsection (1) which the authority requires to cease,
    - (b) require steps falling within subsection (2) and specified in the notice to be taken.”,
  - (b) in subsection (2), for the words from the beginning to “taken”, substitute “Those steps are”,
  - (c) in subsection (5), for the words from “any”, where it first occurs, to the end of that subsection, substitute “—
    - (i) any works required to cease must cease,
    - (ii) any steps required to be taken must be taken,and may specify different periods for different works or steps.”,
  - (d) after that subsection insert—

“(5A) Where different periods apply to different works or steps, references in this Act to the period for compliance with a listed building

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*Status: This is the original version (as it was originally enacted).*

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enforcement notice, in relation to any works or step, are to the period within which the works are required to cease or the step is required to be taken.

(5B) The date specified in the notice under subsection (5)(a) must be at least 28 days after the date on which the notice is served.”.

- (3) In section 35 (appeal against listed building enforcement notice), after subsection (1) (i) insert—
- “(ia) that the cessation of any works required by the notice exceeds what is necessary to remedy the contravention of section 8(1) or (2),”.
- (4) In section 39 (offence where listed building enforcement notice not complied with)—
- (a) in subsection (1), after “taken” where it second occurs, insert “or any works required by the notice to cease have not ceased”,
- (b) at the end of paragraph (a) of subsection (4), insert “or that all works required by the notice to cease were ceased,”.
- (5) In section 40(1) (effect of listed building consent on listed building enforcement notice), after “as”, where it first occurs, insert “such work is or such works are required by the notice to cease, or in so far as”.