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SCHEDULES

SCHEDULE 3

Section 9(2)(7).

PROVISIONS AS TO CONTROL OF DEMOLITION IN CONSERVATION AREAS IN SCOTLAND

PART I

APPLICATION OF CERTAIN PROVISIONS OF ACT OF 1969

- 1 Subsections (2), (4)(a) and (6) to (8) of section 40 of the Act of 1969 (requirement of consent of local planning authority or Secretary of State to works affecting listed buildings) shall apply in relation to any works for the demolition of the building as if it were a listed building ; and subsections (3), (5) and (6) of section 41 of the Act, section 56 of the Act, and Parts I and II of Schedule 4 thereto with section 22 as it applies to appeals under that Schedule, shall apply accordingly in relation to listed building consent for any such works, but—
 - (a) with the said subsection (3) modified by the substitution, for the reference to the desirability of preserving the building or any features of special architectural or historic interest which it possesses, of a reference to the desirability of preserving the character or appearance of the conservation area, and
 - (b) with the omission from the said Parts I and II of paragraph 4, paragraph 5, sub-paragraphs (2) and (3)(b) of paragraph 6 and paragraph 9.
- 2 Sections 44 to 46 of the Act of 1969 and Part IV of Schedule 4 to that Act with section 22 as it applies to appeals under that Schedule (listed building enforcement notices) shall apply in relation to the building as if it were a listed building, but—
 - (a) with section 44(1) modified by the substitution, for the words " the character of the building as one of special architectural or historic interest", of the words " the character or appearance of the conservation area in which the building is situated " ,
 - (b) with sub-paragraph (1) of paragraph 17 of Schedule 4 modified by the substitution of the following for paragraph (a)—
 - “(a) that power to control the demolition of the building is not necessary in the interests of preserving the character or appearance of the conservation area in which it is situated and”,
 - (c) with the omission from sub-paragraph (5) of the said paragraph 17 of paragraphs (b) and (c).
- 3 Section 42 of the Act of 1969 and Part III of Schedule 4 thereto (listed building purchase notices) shall, subject to subsections (4) and (5) of section 51 of the Act, have effect where listed building consent in respect of the building is refused, granted subject to conditions, revoked or modified as mentioned in subsection (1) of the said section 42.

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- 4 If the building is Crown land within the meaning of section 83 of the Town and Country Planning (Scotland) Act 1947, subsection (2)(b) of that section (whereby the restrictions imposed by certain provisions of that Act apply to a limited extent to Crown land) shall have effect as if the provisions of this Act, in its application to Scotland, were included in Part II of that Act.

PART II

SUPPLEMENTARY

- 5 On the confirmation by the Secretary of State of any direction made under subsection (2) of section 9 of this Act by a local planning authority, or the making by any local planning authority of a direction under subsection (5) of that section, a copy of the direction and confirmation or of the direction as the case may be certified by the clerk of the authority to be a true copy, shall be deposited by that authority with the clerk of any local authority in whose district any building to which the direction relates is situated.

In this paragraph " local authority " means a county council or the town council of a burgh.

- 6 Every local authority with whom a copy of any direction is deposited under paragraph 5 above shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing particulars of any building in their district to which the direction relates.

- 7 A local planning authority making a direction under subsection (2) of the said section 9 containing such a declaration as is mentioned in subsection (4) of that section shall forthwith serve on every person who is an owner, lessee, or occupier of any building to which the direction relates a notice stating that the direction has been made and explaining its effect, and, on being notified by the Secretary of State of his decision with respect to confirmation of the direction, shall forthwith notify every such person of the decision ; and where any direction under the said subsection (2) not containing such a declaration is confirmed by the Secretary of State, or a direction is made under subsection (5) of the said section 9, the local planning authority making the direction shall forthwith serve on every person who is an owner, lessee, or occupier of any building affected by the direction a notice stating that the direction has been made and confirmed or, as the case may be, made, and (unless it is a direction under the said subsection (5)) explaining its effect

- 8 (1) If a direction under subsection (2) of the said section 9 containing such a declaration as is mentioned in subsection (4) of that section ceases to be in force as respects any building by virtue of paragraph (a), (b) or (c) of subsection (6) of that section, then, subject to a claim in that behalf being made to the local planning authority within the prescribed time and in the prescribed manner, any person who at the time when the direction was made had an interest in the building shall be entitled to be paid compensation by the authority in respect of any loss or damage directly attributable to the effect of the direction.
- (2) The loss or damage in respect of which compensation is payable under subparagraph (1) above shall include a sum payable in respect of a breach of contract caused by the necessity of countermanding any works to the building on account of the direction being in force with respect thereto.

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- (1) The following provisions of this paragraph shall have effect where any direction under sub-paragraph (2) of the said section 9 ceases to be in force as respects any building, but, in the case of sub-paragraph (4), not where the direction ceases to be in force by reason of the building becoming a listed building.
 - (2) The fact that the direction has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 40 or 45 of the Act of 1969 committed by him with respect to the building while the direction was in force.
 - (3) Any proceedings on or arising out of an application for listed building consent made while the direction was in force shall lapse, and any listed building consent granted with respect to the building while the notice was in force shall also lapse.
 - (4) Any listed building enforcement notice served by the local planning authority while the direction was in force shall cease to have effect, and any proceedings thereon under Part IV of Schedule 4 to the Act of 1969 shall lapse, but section 46(1) and (2) of that Act shall continue to have effect as respects any expenses incurred by the local authority, owner, lessee or occupier as therein mentioned and with respect to any sums paid on account of such expenses.