

SCHEDULES

^{F1}SCHEDULE 2

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Textual Amendments

F1 Sch. 2 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

- 26 In section 92 (which relates to the power to serve listed building enforcement notices)—
- (a) for paragraph (b) of subsection (1) there shall be substituted the following paragraphs—
 - “(b) specifying one of the following sets of steps-
 - (i) the steps required to restore the building to its former state ;
 - (ii) the steps required to bring the building to the state it would have been in if the terms and conditions of any listed building consent for the works had been complied with ;
 - (iii) subject to subsection (1A) below, the steps required to alleviate, in a manner acceptable to the planning authority, the effects of works executed without listed building consent ; and
 - (c) specifying the period within which steps specified under paragraph (b) above are to be taken.” ;
 - (b) after subsection (1) there shall be inserted the following subsection—

“(1A) A planning authority may specify steps under sub-paragraph (iii) of paragraph (b) of subsection (1) above, if, but only if, it appears to them either—

 - (a) that complete restoration of the building to its former state is not reasonably practicable ; or
 - (b) that such restoration is undesirable, having regard to the desirability of preserving—
 - (i) the character of the building ; or
 - (ii) its features of architectural or historical interest.” ;
 - (c) after subsection (2) there shall be inserted the following subsection—

“(2A) Where such steps as are mentioned in subsection (1)(b)(iii) above have been taken in relation to works carried out on a building, listed building consent shall be deemed to have been granted in respect of those works as alleviated.” ;
 - (d) after subsection (3) there shall be inserted the following subsection—

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 26. (See end of Document for details)

- “(3A) Service under subsection (3) above shall be effected by the service of a copy of the notice ; and references in this Act to service of listed building enforcement notices shall be so construed.” ; and
- (e) for subsection (4) there shall be substituted the following subsection—
- “(4) Subject to section 93 of this Act, a listed building enforcement notice shall take effect on such date as may be specified in the notice, being a date not less than 28 days after the latest service thereof under subsection (3) above.”.

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Paragraph 26.