

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is up to date with all changes known to be in force on or before 08 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 1(5).

BUILDINGS FORMERLY SUBJECT TO BUILDING PRESERVATION ORDERS

- 1 Subject to paragraph 2, every building which immediately before 3rd August 1970 was subject to a building preservation order under section 27 of the ^{M1}Town and Country Planning (Scotland) Act 1947 but was not then included in a list compiled or approved under section 28 of that Act shall be deemed to be a listed building.

Marginal Citations

M1 1947 c. 53.

- 2 ^{F1}(1) Historic Environment Scotland may at any time direct that paragraph 1 no longer applies to a particular building.
- (1A) The Scottish Ministers may direct that paragraph 1 no longer applies to a particular building if the building is referred to in a notice of appeal under section 5B, 18 or 35 relating to the building (whether or not they are requested to do so).]
- (2) The planning authority in whose district the building in respect of which ^{F2}a direction under sub-paragraph (1) or (1A)] is given is situated, on being notified of the direction, shall give notice of it to the owner, lessee and occupier of the building.
- ^{F3}(2A) Where a direction is given under sub-paragraph (1) or (1A), Historic Environment Scotland or (as the case may be) the Scottish Ministers must notify the other.]
- (3) Before giving ^{F4}a direction under sub-paragraph (1) or (1A)] in relation to a building, ^{F5}Historic Environment Scotland or (as the case may be) the Scottish Ministers] shall consult the planning authority and the owner, lessee and occupier of the building.

Textual Amendments

- F1** Sch. 1 para. 2(1)(1A) substituted for Sch. 1 para. 2(1) (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 15(a)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F2** Words in Sch. 1 para. 2(2) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 15(b)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F3** Sch. 1 para. 2(2A) inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 15(c)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F4** Words in Sch. 1 para. 2(3) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 15(d)(i)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

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- F5** Words in Sch. 1 para. 2(3) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 15(d)(ii)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

F6
 3

Textual Amendments

- F6** Sch. 1 para. 3 repealed (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 16** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

SCHEDULE 2

Section 5.

LAPSE OF BUILDING PRESERVATION NOTICE

- 1 This Schedule applies where a building preservation notice ceases to be in force by virtue of—
- (a) the expiry of the 6 months period mentioned in subsection (3)(b) of section 3; or
 - (b) the service of a notification by [^{F7}Historic Environment Scotland] under subsection (4)(b) of that section.

Textual Amendments

- F7** Words in Sch. 2 para. 1(b) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 28** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

Modifications etc. (not altering text)

- C1** Sch. 2 para. 1(b) savings for effects of 2014 asp 19, Sch. 3 para. 28 (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\)](#), arts. 1(1), **14**

- 2 The fact that the notice has ceased to be in force shall not affect the liability of any person to be prosecuted and punished for an offence under section 8 or 39 committed by him with respect to the building while it was in force.
- 3 Any proceedings on or arising out of an application for listed building consent with respect to the building made while the notice was in force and any such consent granted while it was in force shall lapse.
- 4 (1) Any listed building enforcement notice served by the planning authority while the building preservation notice was in force shall cease to have effect.
- (2) Any proceedings on it under sections 34 to 37 shall lapse.
- (3) Notwithstanding sub-paragraph (1), section 38(1) and (2) shall continue to have effect as respects any expenses incurred by the planning authority, owner, lessee or occupier as mentioned in that section and with respect to any sums paid on account of such expenses.

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SCHEDULE 3

Sections 20(4) and 35(5).

DETERMINATION OF CERTAIN APPEALS BY PERSON APPOINTED BY SECRETARY OF STATE

Modifications etc. (not altering text)

- C2** Sch. 3 savings for effects of 2011 asp 3 s. 21 (1.12.2011) by [The Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(Saving, Transitional and Consequential Provisions\) Order 2011 \(S.S.I. 2011/377\)](#), arts. 1(1), **6(b)**

Determination of appeals by appointed person

- 1 (1) The Secretary of State may by regulations prescribe classes of appeals under sections [F85B,] 18 and 35 which are to be determined by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.
- (2) Those classes of appeals shall be so determined except in such classes of case—
- (a) as may for the time being be prescribed, or
- (b) as may be specified in directions given by the Secretary of State.
- (3) Such regulations may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.
- (4) This paragraph shall not affect any provision contained in this Act or any instrument made under it that an appeal shall lie to, or a notice of appeal shall be served on, the Secretary of State.
- (5) A person appointed under this paragraph is referred to in this Schedule as an “appointed person”.

Textual Amendments

- F8** Word in [Sch. 3 para. 1\(1\)](#) inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 3 para. 23\(a\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

Powers and duties of appointed person

- 2 (1) An appointed person shall have the same powers and duties—
- [F9(za) in relation to an appeal under section 5B as the Scottish Ministers have under section 5C and paragraph 2(1A) of schedule 1,]
- (a) in relation to an appeal under section 18 as the Secretary of State has under subsection (1) of section 20 and paragraph 2 of Schedule 1, and
- (b) in relation to an appeal under section 35, as he has under section 37(1), (2) and (4) and paragraph 2 of Schedule 1.

F10(2)

F10(3)

F10(4)

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- (5) Where an appeal has been determined by an appointed person, his decision shall be treated as that of the Secretary of State.
- (6) Except as provided by sections 57 and 58, the decision of an appointed person on any appeal shall be final.

Textual Amendments

- F9** Sch. 3 para. 2(1)(za) inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 23(b)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F10** Sch. 3 para. 2(2)-(4) repealed (1.12.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 21(b)(i)**, 33(2); S.S.I. 2011/372, art. 2, sch.

Determination of appeals by Secretary of State

- 3 (1) The Secretary of State may, if he thinks fit, direct that an appeal which would otherwise fall to be determined by an appointed person shall instead be determined by the Secretary of State.
- (2) Such a direction shall state the reasons for which it is given and shall be served on the appellant, the planning authority, any person who made representations relating to the subject matter of the appeal which the authority are required to take into account by regulations made under section 10(2) and, if any person has been appointed under paragraph 1, on him.
- (3) Where in consequence of such a direction an appeal under section [F11 5B,] 18 or 35 falls to be determined by the Secretary of State himself, the provisions of this Act which are relevant to the appeal shall, subject to the following provisions of this paragraph, apply to the appeal as if this Schedule had never applied to it.
- F12(4)
- F12(5)
- (6) In determining the appeal the Secretary of State may take into account any report made to him by any person previously appointed to determine it.

Textual Amendments

- F11** Word in [Sch. 3 para. 3\(3\)](#) inserted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 3 para. 23(c)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F12** Sch. 3 para. 3(4)(5) repealed (1.12.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 21(b)(ii)**, 33(2); S.S.I. 2011/372, art. 2, sch.

- 4 (1) The Secretary of State may by a further direction revoke a direction under paragraph 3 at any time before the determination of the appeal.
- (2) Such a further direction shall state the reasons for which it is given and shall be served on the person, if any, previously appointed to determine the appeal, the appellant, the planning authority and any person who has made representations relating to the

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subject matter of the appeal which the authority are required to take into account by regulations made under section 10(2).

- (3) Where such a further direction has been given, the provisions of this Schedule relevant to the appeal shall apply, subject to sub-paragraph (4), as if no direction under paragraph 3 had been given.
- (4) Anything done by or on behalf of the Secretary of State in connection with the appeal which might have been done by the appointed person (including any arrangements made for the holding of a hearing or local inquiry) shall, unless that person directs otherwise, be treated as having been done by him.

Appointment of another person to determine appeal

- 5 (1) At any time before the appointed person has determined the appeal the Secretary of State may—
 - (a) revoke his appointment, and
 - (b) appoint another person under paragraph 1 to determine the appeal instead.
- (2) Where such a new appointment is made the consideration of the appeal or any inquiry or other hearing in connection with it shall be begun afresh.
- (3) Nothing in sub-paragraph (2) shall require—
 - ^{F13}(a)
 - (b) any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Textual Amendments

F13 Sch. 3 para. 5(3)(a) and word repealed (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 3 para. 23\(d\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

Local inquiries and hearings

- 6 (1) Whether or not the parties to an appeal have asked for an opportunity to appear and be heard, an appointed person—
 - (a) may hold a local inquiry in connection with the appeal, and
 - (b) shall do so if the Secretary of State so directs.
- (2) Where an appointed person—
 - (a) holds a hearing ^{F14}..., or
 - (b) holds an inquiry by virtue of this paragraph,an assessor may be appointed by the Secretary of State to sit with the appointed person at the hearing or inquiry to advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal.
- (3) Subject to sub-paragraph (4), the expenses of any such hearing or inquiry shall be paid by the Secretary of State.
- (4) Subsections (4) to (13) of section 265 of the principal Act apply to an inquiry held under this paragraph as they apply to an inquiry held under that section.

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- (5) The appointed person has the same power to make orders under subsection (9) of that section in relation to proceedings under this Schedule which do not give rise to an inquiry as he has in relation to such an inquiry.
- (6) For the purposes of this paragraph, references to the Minister in subsections (9) and (12) of that section shall be read as references to the appointed person.
- [^{F15}(7) Subsections (2) to (13) of section 265A of the principal Act apply to the holding of an inquiry under this paragraph as they apply to the holding of an inquiry under section 265 of that Act.]

Textual Amendments

- F14** Words in Sch. 3 para. 6(2)(a) repealed (1.12.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 21(b)(iii)**, 33(2); S.S.I. 2011/372, art. 2, sch.
- F15** Sch. 3 para. 6(7) inserted (6.8.2004 for specified purposes, 7.6.2006 in so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **s. 91(2)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1281, art. 3

Supplementary provisions

Modifications etc. (not altering text)

- C3** Sch. 3 para. 7 modified (1.7.1999) by S.I. 1999/1351, **art. 17(7)(b)**; S.I. 1998/3178, **art. 3**

- 7 (1) The ^{M2}Tribunals and Inquiries Act 1992 shall apply to a local inquiry or other hearing held in pursuance of this Schedule as it applies to a statutory inquiry held by the Secretary of State, but as if in section 10(1) of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.
- (2) The functions of determining an appeal and doing anything in connection with it conferred by this Schedule on an appointed person who is [^{F16} a member of the staff of the Scottish Administration shall be treated for the purposes of the Scottish Public Services Ombudsman Act 2002 (asp 11) as functions conferred on the Scottish Ministers.^{F16}]

Textual Amendments

- F16** Words in Sch. 3 para. 7(2) substituted (23.10.2002) by [Scottish Public Services Ombudsman Act 2002 \(asp 11\)](#), s. 25, **Sch. 6 para. 18**; S.S.I. 2002/467, **art. 2**

Marginal Citations

- M2** 1992 c. 53.

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TABLE OF DERIVATIONS

1. This Table shows the derivation of the provisions of the Bill.

Notes

2. The following abbreviations are used in the Table—

1972AM	= The Town and Country Planning (Amendment) Act 1972 (c. 42)
1972	= The Town and Country Planning (Scotland) Act 1972 (c. 52)
1974	= The Town and Country Amenities Act 1974 (c. 32)
1982	= The Local Government and Planning (Scotland) Act 1982 (c. 43)
1986	= The Housing and Planning Act 1986 (c. 63)
1991	= The Planning and Compensation Act 1991 (c. 34)

3. The Table does not show the effect of Transfer of Functions orders.

4. The Table does not give details of the effect of section 172(2) of the Local Government (Scotland) Act 1973 (c. 65), which omitted the word “local” in the expression “local planning authority” where it occurs in any enactment or instrument.

5. “Sc Law Com Rec No.” followed by a number indicates that the provision gives effect to the Recommendation bearing that number in Appendix 1 to the Scottish Law Commission’s Report on the Consolidation of Certain Enactments relating to Town and Country Planning in Scotland (Cmnd. 3644).

Provision	Derivation
1(1) to (3)	1972 s.52(1) to (3).
(4)	1972 s.52(7); 1986 Sch.9 para.13(1).
(5)	Drafting.
2(1)	1972 s.52(4); Local Government (Scotland) Act 1973 (c.65) Sch.23 para.19; Housing (Scotland) Act 1987 (c.26) Sch.22 para.3.
(2)	1972 s.52(5).
(3),(4)	1972 s.52(6).
3(1),(2)	1972 s.56(1).
(3),(4)	1972 s.56(3).
(5)	1972 s.56(4).
(6)	1972 s.56(5).

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4(1) to (3)	1972 s.56(6).
5	1972 s.56(4).
6	1972 s.53(1); 1986 Sch.9 para.14(1).
7(1),(2)	1972 s.53(2); Sc Law Com Rec No.24.
(3)	1972 s.53(2A); 1986 Sch.9 para.14(2).
(4) to (6)	1972 s.53(3).
(7)	1972 s.53(3A); 1986 Sch.9 para.14(3).
8(1)	1972 s.53(1); 1986 Sch.9 para.14(1).
(2)	1972 s.53(4).
(3)	1972 s.53(6); 1986 Sch.9 para.15(1).
(4),(5)	1972 s.53(5); 1991 Sch.10 para.2.
9(1),(2)	1972 Sch.10 para.1(1); 1986 Sch.9 para.22.
(3)	1972 Sch.10 para.1(1A); 1986 Sch.9 para.22.
10(1)	1972 s.24(1), Sch.10 para.2(1); 1991 Sch.13 para.42(a).
(2)	1972 s.26(3A), Sch.10 para.2(1); 1991 Sch.13 para.42(b).
(3)	1972 Sch.10 para.2(2); Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40) Sch.1 paras.5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
11(1) to (5)	1972 Sch.10 para.4.
12(1)	1972 Sch.10 para.5(1).
(2)	1972 Sch.10 para.5(1), (2).
(3)	1972 Sch.10 para.5(2); 1986 Sch.9 para.23.
13(1) to (3)	1972 Sch.10 para.6.
14(1)	1972 s.54(4); 1982 Sch.2 para.15(b).
(2)	1972 s.54(3); 1982 Sch.2 para.15(a).
(3)	1972 Sch.10 para.1(2).
15(1)	1972 s.54(4); 1982 Sch.2 para.15(b).
(2)	1972 s.54(4A); 1986 Sch.9 para.16(1).
(3)	1972 s.54(5); 1982 Sch.2 para.15(c).
16(1), (2)	1972 s.54A(1), (2); 1982 Sch.2 para.16.
(3)	1972 s.54A(5); 1986 Sch.9 para.14(4).
(4)	1972 s.54B; 1982 Sch.2 para.16.
17(1) to (3)	1972 s.54D(1) to (3); 1986 Sch.9 para.17.

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18(1)	1972 s.54D(2), Sch.10 para.7(1); 1986 Sch.9 paras. 16(2), 17.
(2)	1972 s.54D(2), Sch.10 para.8; 1986 Sch.9 para.16(3).
(3)	1972 s.54D(2), Sch.10 para.8; 1986 Sch.9 para.16(3).
(4)	1972 s.54D(2), Sch.10 para.8; 1986 Sch.9 para.16(3).
19(1)	1972 Sch.10 para.7(1); 1986 Sch.9 para.16(2).
(2)	1972 Sch.10 para.7(1), 8; 1986 Sch.9 para.16(2), (3).
(3),(4)	1972 Sch.10 para.7(2).
(5),(6)	1972 s.54D(2), Sch.10 para.2(1); 1991 Sch.13 para.42.
(7)	1972 s.54D(2), Sch.10 para.2(2); Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40) Sch.1 paras.5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
20(1) to (4)	1972 Sch.10 para.7(3) to (6).
21(1),(2)	1972 Sch.10 para.9(1).
(3)	1972 Sch.10 para.9(4).
22(1)	1972 Sch.10 para.9(2).
(2) to (4)	1972 Sch.10 para.9(3).
(5)	1972 Sch.10 para.9(2).
23(1)	1972 Sch.10 para.11(1), (6).
(2)	1972 Sch.10 para.11(1) to (4); drafting.
(3)	1972 Sch.10 para.11(3).
(4)	1972 Sch.10 para.11(5).
(5),(6)	1972 Sch.10 para.11(2).
24(1)	1972 Sch.10 paras.9(1), 10(1).
(2)	1972 Sch.10 paras.9(1), 10(2).
(3)	1972 Sch.10 para.10(1).
(4) to (6)	1972 Sch.10 paras.9(3), 10(2).
(7)	1972 Sch.10 paras.9(4), 10(2).
(8)	1972 Sch.10 para.10(1).
25(1),(2)	1972 s.161(1).
(3)	1972 s.161(3).

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(4)	1972 s.161(2).
26(1)	1972 s.162(1), (3).
(2)	1972 s.162(3).
(3)	1972 s.162(4).
27(1)	1972 s.167(1).
(2)	1972 s.167(2).
(3)	1972 s.167(4).
(4)	1972 s.168(1).
(5)	1972 s.168(2).
28(1),(2)	1972 s.179(1), (5).
(3)	1972 s.179(3).
(4)	1972 s.179(2); 1991 Sch.12 para.21.
29(1)	1972 Sch.17 para.1(1); 1986 Sch.11 para.35(2)(a).
(2)	1972 Sch.17 para.1(1).
(3)	1972 Sch.17 para.1(2).
(4)	1972 Sch.17 para.1(3); 1986 Sch.11 para.35(2)(b).
30(1)	1972 s.171(1), Sch.17 paras.1(3), 2(8).
(2)	1972 s.171(2), Sch.17 paras.1(3), 2(8).
(3),(4)	1972 s.171(3), Sch.17 paras.1(3), 2(8).
(5)	1972 s.171(4), Sch.17 paras.1(3), 2(8); drafting.
(6)	1972 s.179(3).
31(1),(2)	1972 Sch.17 para.2(1).
(3)	1972 Sch.17 para.2(2).
(4)	1972 Sch.17 para.2(3), (4).
(5)	1972 Sch.17 para.2(5), (6).
(6)	1972 Sch.17 para.2(7).
(7)	1972 Sch.17 para.2(8).
32(1)	1972 Sch.17 para.3(1).
(2)	1972 Sch.17 para.3(2).
(3)	1972 Sch.17 para.3(3)(a).
(4)	1972 Sch.17 para.3(1).
(5)	1972 Sch.17 para.3(3)(b); 1986 Sch.11 para.37(2).

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| (6) | 1972 Sch.17 para.3(3A); 1986 Sch.11 para.37(2). |
| (7) | 1972 Sch.17 para.3(4); Sc Law Com Rec No.25. |
| (8) | 1972 Sch.17 para.3(5); Sc Law Com Rec No.26. |
| 33 | 1972 Sch.17 para.4. |
| 34(1) | 1972 s.92(1), (2). |
| (2) | 1972 s.92(1),(1A); 1982 Sch.2 para.26(a), (b). |
| (3) | 1972 s.92(1A); 1982 Sch.2 para.26(b). |
| (4) | 1972 s.92(2A); 1982 Sch.2 para.26(c). |
| (5) | 1972 s.92(4); 1991 Sch.10 para.4(b). |
| (6) | 1972 s.92(3),(3A); 1982 Sch.2 para.26(d). |
| (7) | 1972 s.92(5); 1991 Sch.10 para.5. |
| (8) | 1972 s.92(5A); 1991 Sch.10 para.5. |
| (9) | 1972 s.92(6). |
| 35(1) | 1972 s.93(1); 1982 Sch.2 para.27(a); 1986 Sch.9 para.15(2); 1991 Sch.10 para.6(2)(a); drafting. |
| (2) | 1972 s.93(2); 1982 Sch.2 para.27(b); 1991 Sch.10 para.6(3). |
| (3) | 1972 s.93(3). |
| (4) | 1972 ss.85(2A), (2B)(a), 93(2A); 1982 Sch.2 paras.20(b), 27(b). |
| (5) | 1972 s.93(8). |
| 36(1) | 1972 ss.85(2B), 93(2A); 1982 Sch.2 paras.20(b), 27(b); 1991 Sch.13 para.20(a). |
| (2) | 1972 ss.85(2D), 93(2A); 1982 Sch.2 paras.20(b), 27(b). |
| 37(1) | 1972 s.93(5). |
| (2) | 1972 s.93(4); 1991 Sch.10 para.6(4). |
| (3) | 1972 ss.85(2C), 93(2A); 1982 Sch.2 paras.20(b), 27(b). |
| (4) | 1972 s.93(5). |
| (5) | 1972 s.93(6); 1982 Sch.2 para.27(c). |
| (6) | 1972 s.93(7). |
| 38(1),(2) | 1972 s.95(1), (2). |
| (3) | 1972 ss.88(3), 95(3); 1982 Sch.2 para.23(b). |

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(4),(5)	1972 ss.88(4), 95(3); 1982 Sch.2 para.23(b).
(6),(7)	1972 ss.88(5), 95(3); 1982 Sch.2 para.23(b); Sc Law Com Rec No.27.
(8)	1972 s.95(4); 1991 Sch.10 para.8.
39(1) to (6)	1972 s.94; 1991 Sch.10 para.7.
40(1)	1972 s.95A(1), (2); 1986 Sch.9 para.19.
(2)	1972 s.95A(3); 1986 Sch.9 para.19.
41(1) to (3)	1972 s.260(5).
(4)	1972 s.260(5); Sc Law Com Rec No.2.
42(1)	1972 s.104(1), (2).
(2)	1972 s.104(4).
(3)	1972 s.104(5).
(4),(5)	1972 s.104(6).
(6)	1972 s.104(7).
(7)	1972 s.104(1).
43(1) to (3)	1972 s.105(1) to (3).
(4)	1972 ss.169(5), 179(4).
(5)	1972 ss.105(4), 169(6).
44	1972 s.106.
45(1)	1972 s.107(1); Local Government (Scotland) Act 1973 (c.65) Sch.23 para.22(a).
(2),(3)	1972 s.107(2), (3).
(4)	1972 s.107(4).
(5)	1972 s.107(4); Sc Law Com Rec No.28.
(6)	1972 s.107(5); Local Government (Scotland) Act 1973 (c.65) Sch.23 para.22(c).
(7)	1972 s.107(5).
(8)	1972 s.107(6).
(9)	1972 s.107(7).
46(1)	1972 s.108(1).
(2)	1972 s.108(2); Telecommunications Act 1984 (c.12) Sch.4 para.54(3).
(3) to (5)	1972 s.108(3) to (5)
47(1)	1972 s.109(1); Local Government (Scotland) Act 1973 (c.65) Sch.23 para.23.
(2) to (4)	1972 s.109(2).
48(1)	1972 s.116(1); Sc Law Com Rec No.29.

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(2)	Historic Buildings and Ancient Monuments Act 1953 (c.49) s.5(3); 1972 s.116(2).
49(1) to (3)	1972 s.97(1); 1986 Sch.9 para.20.
(4)	1972 s.97(3); 1986 Sch.9 para.20.
(5),(6)	1972 s.97(4); 1986 Sch.9 para.20.
50(1) to (5)	1972 s.97A; 1986 Sch.9 para.20.
51(1) to (6)	Civic Amenities Act 1967 (c.69) s.5; Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) s.57; Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.16.
52(1) to (5)	Civic Amenities Act 1967 (c.69) s.5; Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) s.58; Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.16.
53(1)	1972 s.55(1); Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40) Sch.1 paras.5, 6; Criminal Procedure (Scotland) Act 1995 (c.46) s.225.
(2)	1972 s.55(1).
(3)	1972 s.55(2).
(4)	1972 s.55(3); 1986 Sch.11 para.44(1); 1991 Sch.13 para.18.
54(1),(2)	1972 ss.54(1), 56(2), 97(3), 104(3); 1986 Sch.9 para.20.
(3),(4)	1972 s.54(1).
(5) to (7)	1972 s.56AA(1) to (3); 1986 Sch.9 para.18(1).
55(1),(2)	1972 ss.54(1), 56(2), 97(3), 104(3); Ancient Monuments and Archaeological Areas Act 1979 (c.46) Sch.4 para.12; 1986 Sch.9 para.20.
56(1) to (3)	1972 s.54C; 1982 s.42.
57(1)	1972 s.231(1)(d), (e), (2)(f).
(2)	1972 s.231(3)(h) to (k); 1982 s.47(c), Sch.2 para.35(b).
(3)	1972 s.231(4).
58(1)	1972 s.233(1), (3).
(2)	1972 s.233(2).
(3)	1972 s.233(1), (2); Sc Law Com Rec No.16.

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(4)	1972 s.233(4).
(5)	1972 s.233(6).
(6),(7)	1972 s.233(7).
59(1)	1972 s.54(3); 1982 Sch.2 para.15(a).
(2)	1972 s.115(1), (4).
(3)	1972 s.115(3); Local Government (Scotland) Act 1973 (c.65) Sch.23 para.25.
60(1)	1972 s.25(1); 1974 s.4(2).
(2),(3)	1972 s.25(2), (3).
(4)	1972 s.26(4).
(5)	Drafting.
61(1)	1972 s.262(1); 1974 s.2(1).
(2)	1972 s.262(4); 1974 s.2(1).
62(1) to (3)	1972 s.262(6); 1974 s.2(1).
(4)	1972 s.262(7); 1974 s.2(1).
(5)	1972 s.262(9); 1974 s.2(1).
63(1)	1972 s.262B(1); 1974 s.2(1); 1982 Sch.2 para.39.
(2),(3)	1972 s.262B(2); 1974 s.2(1).
64(1),(2)	1972 s.262(8); 1974 s.2(1).
65(1)	1972 s.25(1); 1974 s.4(2).
(2),(3)	1972 s.25(2), (3).
(4)	1972 s.26(4).
(5)	Drafting.
66(1)	1972 s.262A(2); 1974 s.2(1).
(2)	1972 s.262A(7); 1974 s.2(1).
(3)	1972 s.262A(8); 1974 s.2(1); 1986 Sch.9 para.21.
(4)	1972 s.262A(9); 1974 s.2(1).
67(1)	1972 s.262A(1); 1974 s.2(1).
(2)	1972 s.262A(4); 1974 s.2(1).
(3)	1972 s.262A(5); 1974 s.2(1).
(4)	1972 s.262A(6); 1974 s.2(1).
(5)	1972 ss.56(2), 262A(1); 1974 s.2(1).
(6)	1972 s.54(1); 1974 s.2(1).

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(7) to (9)	1972 ss.56AA(1), 262A(8); 1986 Sch.9 para.18(1), 21(a).
(10), (11)	1972 s.262A(10); 1974 s.2(1).
68	1972 s.97(1), (2); 1986 Sch.9 para.20.
69(1)	1972AM s.10(1); 1972 Sch.21 Pt.II; 1974 s.13(2).
(2)	1972AM s.10(2).
(3)	1972AM s.10(3); National Heritage Act 1983 (c.47) Sch.4 para.22(6).
(4)	1972AM s.10(4).
(5),(6)	1972AM s.10(5).
70(1)	1972AM s.10A(1); Ancient Monuments and Archaeological Areas Act 1979 (c.46) s.48(1).
(2)	1972AM s.10A(1), (4); Ancient Monuments and Archaeological Areas Act 1979 (c.46) s.48(1).
(3)	1972AM s.10A(2); Ancient Monuments and Archaeological Areas Act 1979 (c.46) s.48(1).
(4)	1972AM s.10A(4), (5); Ancient Monuments and Archaeological Areas Act 1979 (c.46) s.48(1).
(5)	1972AM s.10A(4), (7); Ancient Monuments and Archaeological Areas Act 1979 (c.46) s.48(1).
(6)	1972AM s.10A(4), (6); Ancient Monuments and Archaeological Areas Act 1979 (c.46) s.48(1).
(7)	1972AM s.10A(3); Ancient Monuments and Archaeological Areas Act 1979 (c.46) s.48(1).
(8)	1972AM s.10A(8); Ancient Monuments and Archaeological Areas Act 1979 (c.46) s.48(1); Sc Law Com Rec No.30.
71(1)	1972AM s.10C(4); 1986 s.51.
(2)	1972AM s.10C(3); 1986 s.51.
72(1)	1972AM s.10C(1), (2); 1986 s.51.
(2)	1972AM s.10C(5); 1986 s.51.
(3)	1972AM s.10C(6), (7); 1986 s.51.
(4)	1972AM s.10C(8); 1986 s.51.

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(5)	1972AM s.10C(9); 1986 s.51.
(6)	1972AM s.10C(10); 1986 s.51; Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) s.58; Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.26.
73(1)	1972 s.256(1), Sch.19 Pt.III.
(2)	1972 s.257; 1974 s.7(2).
(3)	1972 s.257, Sch.19 Pt.IV; 1974 s.7(2); 1986 Sch.9 para.24; Sc Law Com Rec No.31.
(4)	1972 ss.256(2), 257; 1974 s.7(2).
74(1)	1972 s.253(1).
(2)	1972 s.253(2); 1986 Sch.7 Pt.II para.3.
(3)	1972 s.253(4).
(4)	1972 s.253(5).
(5)	Town and Country Planning Act 1984 (c.10) s.4(1).
(6) to (8)	1972 s.253(7).
75(1) to (3)	Town and Country Planning Act 1984 (c.10) s.1(1) to (3).
(4)	Town and Country Planning Act 1984 (c.10) s.1(5).
(5)	Town and Country Planning Act 1984 (c.10) s.1(7).
(6)	Town and Country Planning Act 1984 (c.10) s.4(1).
(7)	Town and Country Planning Act 1984 (c.10) s.1(6).
(8)	Town and Country Planning Act 1984 (c.10) s.6(1).
76(1)	1972 s.265(2); 1991 Sch.10 para.12(a).
(2)	1972 s.265(1)(c), (3), (4); Town and Country Planning (Scotland) Act 1977 (c.10) s.5(3); 1991 Sch.10 para.12(b), Sch.13 para.38(b); Sc Law Com Rec No.32.
(3) to (6)	1972 s.265(5) to (8).
77(1) to (3)	1972 s.97AB; 1991 Sch.10 para.10.
78(1) to (10)	1972 s.97AC; 1991 Sch.10 para.10.
79(1)	1972 ss.145, 260A, 267 to 267B, 269 to 271, 274, 278; 1991 s.35.
(2)	1972 s.271(1).

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80(1)	1972 s.241; Sc Law Com Rec No.33.
(2)	1972 s.242(2).
(3)	Drafting.
(4)	1972 s.250(2), Sch.19 Pts.I and II.
(5)	1972 s.250(3), (4); Local Government (Scotland) Act 1973 (c.65) Sch.23 para.30.
(6)	1972 s.247(1)(b), (f), (2); 1972AM s.10(1), (5); 1986 s.56(1).
(7)	1972 s.249.
81(1),(2)	1972 s.275(1); drafting.
(3)	Post Office Act 1969 (c.48) Sch.4 para.93(1) (xxxiv); 1972 ss.180A, 275, Sch.21 Pt.II; Civil Aviation Act 1982 (c.16) Sch.2 para.4; Telecommunications Act 1984 (c.12) Sch.4 para.54(3), (5); Electricity Act 1989 (c.29) Sch.16 para.1(1)(xxiii); Gas Act 1995 (c.45) Sch.4 para.2(1)(xix).
(4)	1972 s.275(9).
(5)	1972 s.275(3).
(6)	Civic Amenities Act 1967 (c.69) s.5; Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) ss.57, 91(7); Planning (Consequential Provisions) Act 1990 (c.11) Sch.2 para.16.
(7)	1972 s.275(7).
(8)	1972 s.275(10).
82(1)	1972 s.273(1).
(2),(3)	1972 s.273(2).
(4)	1972 s.273(4); 1986 Sch.9 para.18(2)(a).
(5)	1972 s.273(5); 1986 Sch.9 para.18(2)(b).
(6)	1972 s.273(9); Sc Law Com Rec No.34.
(7)	1972 s.273(3).
83(1) to (3)	Drafting.
Sch. 1	
para.1	1972 s.52(8).
para.2	1972 s.52(8), (9).
para.3	1972 s.93(5)(c), Sch.10 para.7(2)(a), (3)(b).
Sch. 2	
para.1	1972 Sch.10 para.12.

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para.2	1972 Sch.10 para.13.
para.3	1972 Sch.10 para.14.
para.4	1972 Sch.10 para.15; Local Government (Scotland) Act 1973 (c.65) Sch.23 para.33.
Sch. 3	
para.1	1972 Sch.7 para.1(1) to (3); drafting.
para.2	1972 Sch.7 para.2(1) to (4); 1986 Sch.11 para.53; 1991 Sch.13 para.41(2).
para.3	1972 Sch.7 para.3(1) to (5); 1991 Sch.13 para.41(3).
para.4	1972 Sch.7 para.3A(1) to (4); 1986 Sch.11 para.42; 1991 Sch.13 para.41(4).
para.5	1972 Sch.7 para.4(1), (3).
para.6	1972 Sch.7 para.5; 1986 Sch.11 paras.40(2), 43.
para.7	1972 Sch.7 para.7; Tribunals and Inquiries Act 1992 (c.53) Sch.3 para.7.

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Changes and effects yet to be applied to :

- s. 58 applied by 1997 c. 8 s. 241C(4) (as inserted) by [2006 asp 17 s. 29](#)
- s. 74(1)(b) applied (with modifications) by [S.S.I. 2015/243 reg. 15Sch. 3](#)
- s. 74(3)(4) applied (with modifications) by [S.S.I. 2015/243 reg. 15Sch. 3](#)
- s. 81(1) words inserted by [2006 asp 17 s. 55\(4\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1)(aa)-(ad) inserted by [2006 asp 17 s. 55\(5\)](#)