



Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

1997 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER V

PREVENTION OF DETERIORATION AND DAMAGE

Compulsory acquisition of listed building in need of repair

46 Ending of rights over land compulsorily acquired.

- (1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under section 42—
- (a) all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land and all other rights or servitudes in or relating to that land shall be extinguished, and
 - (b) any such apparatus shall vest in the acquiring authority.
- (2) Subsection (1) shall not apply to—
- (a) any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking,
 - (b) any right conferred by or in accordance with [^{F1}the electronic communications code] on the operator of [^{F2}an electronic communications code network] , or
 - (c) any [^{F3}electronic communications apparatus] kept installed for the purposes of any [^{F4}such network] .
- (3) In respect of any right or apparatus not falling within subsection (2), subsection (1) shall have effect subject to—

Changes to legislation: Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Section 46 is up to date with all changes known to be in force on or before 15 October 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](#)

- (a) any direction given by the acquiring authority before the completion of the acquisition that subsection (1) shall not apply to any right or apparatus specified in the direction, and
 - (b) any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or servitude or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.
- (5) Any compensation payable under this section shall be determined in accordance with the ^{M1}Land Compensation (Scotland) Act 1963.

Textual Amendments

- F1** Words in s. 46 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), **Sch. 1 para. 14(2)(a)**
- F2** Words in s. 46 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), **Sch. 1 para. 14(2)(b)**
- F3** Words in s. 46 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), **Sch. 1 para. 14(2)(c)**
- F4** Words in s. 46 substituted (17.9.2003) by [The Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), **Sch. 1 para. 14(2)(d)**

Marginal Citations

- M1** [1963 c. 51.](#)

Changes to legislation:

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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\(5\)](#)