

SCHEDULE 1

(introduced by section 2)

HOUSING RENEWAL AREAS: PROCEDURE

Consultation

- 1 (1) Where a local authority proposes to designate any locality in its area as an HRA, it must give notice of that fact—
 - (a) to the owner and occupier of each house in the proposed HRA,
 - (b) where the proposed HRA includes any building which falls within paragraph 4, the planning authority (where the planning authority is not the local authority),
 - (c) in at least two newspapers circulating in the local authority's area (at least one of which must, if practicable, be a local newspaper), and
 - (d) in such other manner as the local authority thinks fit.
- (2) The notice must—
 - (a) name a place where and specify the times at which a copy of a draft of the proposed HRA designation order (the “draft order”) may be inspected free of charge,
 - (b) describe, by reference to the statement made available by the local authority in pursuance of section 72, the assistance which the authority proposes to provide under Part 2 (scheme of assistance) in relation to the implementation of the HRA action plan included in the draft order, and
 - (c) specify the period (of not less than 3 months from the date on which the notice is given) during which representations concerning the draft order may be made to the local authority.
- (3) The local authority must, as soon as reasonably practicable after considering any representations made during the period specified in the notice—
 - (a) decide whether to submit the draft order to the Scottish Ministers, and
 - (b) give notice of its decision to the persons, and in the manner, mentioned in sub-paragraph (1).
- (4) The local authority may, before it makes its decision, modify the draft order in such manner as it thinks fit.
- (5) Such a modification may not extend the proposed HRA.
- (6) The notice given under sub-paragraph (3)(b) must describe the general effect of any modifications made (other than modifications which the local authority considers to be insignificant).

Consideration by Scottish Ministers

- 2 (1) The Scottish Ministers must acknowledge receipt of any draft order submitted to them as soon as reasonably practicable after they receive it.
- (2) The Scottish Ministers must, as soon as reasonably practicable after giving such acknowledgement—
 - (a) approve or reject the draft order, and
 - (b) give notice of their decision to the local authority.

Status: This is the original version (as it was originally enacted).

- (3) The Scottish Ministers may, before they make their decision—
 - (a) consult such persons as they think fit,
 - (b) modify the draft order in such manner as they think fit.
- (4) Such a modification may not—
 - (a) extend the proposed HRA, or
 - (b) vary the HRA action plan included in the draft order so as to identify any house for demolition which is not so identified in the plan included in the draft order submitted to them.
- (5) The Scottish Ministers must not modify the draft order in so far as it affects a building which falls within paragraph 4 unless they have consulted the planning authority about the proposed modification.

Notice of designation

- 3 (1) The local authority must, as soon as practicable after making an HRA designation order, give notice of that fact—
 - (a) to the owner and occupier of each house in the HRA,
 - (b) in at least two newspapers circulating in the local authority's area (at least one of which must, if practicable, be a local newspaper), and
 - (c) in such other manner as the local authority thinks fit.
- (2) The notice must—
 - (a) describe the general effect of the HRA designation order,
 - (b) describe, by reference to the statement made available by the local authority in pursuance of section 72, the assistance which the authority proposes to provide under Part 2 (scheme of assistance) in relation to the implementation of the HRA action plan included in the order, and
 - (c) specify the places where, and the times at which, a copy of the order is to be made available under section 7.

Listed buildings etc.

- 4 A building falls within this paragraph if it is—
 - (a) included in a list of buildings of special architectural or historic interest, being a list compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9) (“the 1997 Act”),
 - (b) subject to a building preservation notice under section 3 of the 1997 Act, or
 - (c) one to which section 66 of the 1997 Act (control of demolition in conservation areas) applies.