

What are scheduled buildings?

Scheduled buildings are heritage assets which are considered important enough to the community to merit legal protection, so that they may be preserved for future generations. They are sometimes called 'Listed Buildings'.

What does scheduled building status mean?

The legal protection covers the whole property - the interior and exterior of the building, its fixtures and fittings and any object or structure within its 'curtilage' (land - its external area, courtyard, garden and/or outbuildings).

How do I find out if a building is scheduled?

They are listed in the Heritage and Antiquities Act 2018, Schedule 2, Part 1 – Buildings. The Act may be found at <https://www.gibraltarlaws.gov.gi/legislations/heritage-and-antiquities-act-2018-4356> and there is more information on the Ministry for Heritage's web site at <https://www.ministryforheritage.gi/>.

The Deeds or lease agreements for a property may say whether the building or site is scheduled.

Can I make changes to a scheduled building?

The property may not be demolished, extended or altered without special permission - 'scheduled building consent' - from the Minister for Heritage. The consent is usually called a 'heritage licence'.

However, regular maintenance and minor 'like-for-like' repairs will not usually require scheduled building consent, as long as the repairs do not include removal of historical material or change the property's character.

Replacement of external doors or windows, and large-scale repairs (for example structural roof repairs, substantial re-pointing or external cleaning) require consent. Painting of exterior walls may also require consent if the walls were previously unpainted or if a significant colour change is planned.

Internal refurbishment or alterations require consent if they include the removal of historic fabric such as doors, fireplaces, panelling, tiles or plaster.

Before starting any works of repair, or alteration to a scheduled building please make sure that your builder/contractor is aware that the building is listed. They should also be given a copy of the plans, any building consent conditions, the specifications and any other conditions that may apply.

Seek advice from the Government Archaeologist. You may also need planning permission and/or Building Control Approval, so ask for advice from the Town Planning and Building Control Department.

Can I do emergency work to my scheduled building?

Technically all works need consent. However, emergency works to afford temporary support or shelter may be permissible, and the Minister has the power to grant urgent consent for such emergency works. It is advisable to contact the Government Archaeologist as soon as possible.

What are the penalties for unauthorised works to a scheduled building?

Any unauthorised changes, or intentional or reckless damage is a criminal offence and is subject to a fine and/or imprisonment. It is also an offence to breach any conditions that are attached to a scheduled building consent.

What happens if an owner fails to look after their scheduled building?

Failure to look after a scheduled building would be counted as intentional or reckless damage and therefore an offence, and subject to a fine and/or imprisonment.

The Minister has the power to direct that urgent preservation works should be carried out on scheduled buildings which are at risk and the costs would be recoverable from the owner.

Are grants available to help with the costs of repairing my scheduled building?

At the moment there are no grants available; the cost of repairs is borne by owner or occupier. However, improvements to the facades of a building are eligible for tax relief. Further information is available on the Town Planning website <https://www.gibraltar.gov.gi/town-planning/tax-relief>.

Advice and further information

Early consultation is useful and avoids potential difficulties, or excessive expenditure or delays.

Ministry for Heritage staff are happy to help at the pre-application stage, or at project planning or during the due diligence process.

Contact:

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