

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 10 – Miscellaneous and General Provisions

Section 54 – Further amendment of the principal Act

220. **Subsection (2)** adds an additional subsection to section 1 of the 1997 Act to confirm that section 1 is subject to the provisions of the 1997 Act and any other Act.
221. **Subsection (3)** amends section 30(2) of the 1997 Act to allow the use of development orders to cover the allocation of developments to the different levels in the hierarchy set out in section 4 of this Act.
222. **Subsection (4)** adds an additional subsection to section 33 of the 1997 Act to cover the situation where an enforcement notice has been issued before an application for retrospective planning permission has been made.
223. **Subsection (5)** makes a minor amendments to section 37 of the 1997 Act.
224. **Subsection (6)** amends section 130(1)(b) of the 1997 Act to clarify that the matters it refers to are those referred to an enforcement notice issued under section 128(1) of the 1997 Act.
225. **Subsection (7)** amends section 135(11) of the 1997 Act to clarify that references to ‘compliance period’ in new section 136A have the same meaning as references to ‘compliance period’ in sections 136, 140 and 141.
226. **Subsection (8)** amends section 156(1)(b) of the 1997 Act (right to enter without warrant) to extend the enforcement measures included in this section to include new section 144A (temporary stop notices).
227. **Subsections (9) and (10)** include references to Acts of the Scottish Parliament in sections 160(6)(c) and 216(6)(b) of the 1997 Act.
228. **Subsection (11)** substitutes new wording for subsection 237(1)(a) of the 1997 Act to insert references to strategic development plans and local development plans planning obligations and good neighbour agreements into the provisions on validity. It also updates subsection 237(3) to include decisions made by the Scottish Ministers on planning obligations and good neighbour agreements, and appeals against an enforcement notice relating to tree preservation provisions.
229. **Subsection (12)** updates section 238 of the 1997 Act by inserting references to strategic development plans and local development plans.
230. **Subsection (13)** amends section 242A (urgent Crown development applications) of the 1997 Act to take account of the repeal of sub-sections (5) and (6) of section 46 of the 1997 Act, which provide for planning authorities or applicants to require a public local inquiry to be held.

*These notes relate to the Planning etc. (Scotland) Act 2006
(asp 17) which received Royal Assent on 20 December 2006*

231. **Subsection (14)** updates the references to development plans in section 255 of the 1997 Act.
232. **Subsection (15)** updates the references to development plans in section 269 of the 1997 Act.
233. **Subsection (16)** includes references to Acts of the Scottish Parliament in section 275 of the 1997 Act, and provides that on the first occasion that regulations are made under paragraph (d) of new section 7(1) and paragraph (a)(i) of new section 19(10) of the 1997 Act, they shall be subject to affirmative procedure. It also provides that regulations made under section 136A(4) or 145A(4) shall be subject to affirmative procedure.. Subsection (16) also confirms that any regulation making powers conferred by the Act includes those necessary for any incidental, supplemental, consequential, transitory transitional or saving provision that Ministers consider necessary or expedient.
234. **Subsection (17)** inserts new definitions in section 277 (interpretation) of the 1997 Act, and also inserts new subsection (11), which states that any reference to registering an instrument of other document in the Land Register of Scotland is to be construed as a reference to registering the information contained therein in the Register.
235. **Subsection (18)** amends various references in Schedule 4 to the 1997 Act.
236. **Subsection (19)** makes consequential amendments to Schedule 14 to the 1997 Act.