

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Planning (Scotland) Act 2019, PART 3 is up to date with all changes known to be in force on or before 17 August 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

SCHEDULE 2 MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 3

DEVELOPMENT MANAGEMENT

Duration of planning permission

- 6 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 37 (determination of applications: general considerations), in subsection (1)(a), for “and 59(1)(b)” substitute “, 58 and 59”.
- (3) In section 60 (provisions supplementary to sections 58 and 59) in subsection (1), in the opening words, for “58(2) and (3A)(b) and 59(5)” substitute “ 58(1)(b) and (3A)(b) and 59(2A)(b) and (2D)(b) ”.
- (4) In section 71 (order requiring discontinuance of use or alteration or removal of buildings or works), in subsection (7), for “58(2) and (3A)(b) and 59(5)” substitute “ 58(1)(b) and (3A)(b) and 59(2A)(b) and (2D)(b) ”.
- (5) In section 88 (circumstances in which purchase notices may be served), in subsection (5), for “provisions of” substitute “ conditions referred to in ”.
- (6) In section 232 (right of compensation in respect of certain decisions and orders), in subsection (7), for “provisions of” substitute “ conditions referred to in ”.

Commencement Information

II Sch. 2 para. 6 in force at 1.10.2022 by S.S.I. 2022/275, reg. 2(2)(f) (with reg. 3)

PROSPECTIVE

Schemes of delegation and local review

- 7 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39 (declining to determine an application), in subsection (2A)—
- (a) in the opening words, for “43A(5)” substitute “ 43AA(2) ”,
- (b) in paragraph (a), for “43A(8)” substitute “ 43AC ”,
- (c) in paragraph (c), for “43A(8)(c)” substitute “ 43AC(1)(e) ”.
- (3) In section 43B (matters which may be raised in a review under section 43A(8)), in subsection (1), for “43A(8)” substitute “ 43AC (other than one required by virtue of paragraph (e) of subsection (1)) ”.
- (4) The section title of section 43B becomes “ **Matters which may be raised in a review under section 43AC** ”.
- (5) In section 46 (call-in of applications), in subsection (2)(ab), for “43A(8)” substitute “ 43AC ”.

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- (6) In section 237 (validity of development plans and certain orders, decisions and directions), in subsection (3A)—
 - (a) the words “(other than a deemed decision)” are repealed,
 - (b) for “43A(8)” substitute “ 43AC ”.
- (7) In section 277 (interpretation), in subsection (5)—
 - (a) in paragraph (ba), for “43A(8)(a) or (b)” substitute “ 43AC(1)(a) to (d) ”,
 - (b) in paragraph (ca), for “43A(8)(c)” substitute “ 43AC(1)(e) ”,
 - (c) in paragraph (da)(i), for “43(8)(a) or (b)” substitute “ 43AC(1)(a) to (d) ”,
 - (d) in paragraph (da)(ii)—
 - (i) for “43A(8)(c)” substitute “ 43AC(1)(e) ”,
 - (ii) for “43A(9)” substitute “ 43AC(3) ”.

PROSPECTIVE

Development orders

- 8 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 78 (apportionment of compensation for depreciation), in subsection (2)(b), the words “or, in a case falling within section 77, the relevant planning decision,” are repealed.
 - (3) In section 214 (meaning of “statutory undertakers”)—
 - (a) in subsection (4), and
 - (b) in subsection (7)(a),
 the words “77(3),” are repealed.
 - (4) In section 215 (meaning of “operational land”), in subsection (3), the words “77(3),” are repealed.
 - (5) In schedule 18, in Part 1, for “77” substitute “ 77A ”.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)