
EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 12th June 2006 certain provisions of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) so far as they are not yet in force in Scotland.

Section 90 makes each of the planning Acts bind the Crown, subject to certain provisions and exceptions. The planning Acts are the Town and Country Planning Act (Scotland) 1997 (“the principal Act”), the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the listed buildings Act”) and the Planning (Hazardous Substances) (Scotland) Act 1997 (“the hazardous substances Act”). Section 90 also introduces Schedule 5, which amends the planning Acts to take account of Crown application.

Section 94 makes amendments to Scottish planning legislation, introducing new sections 245A (Enforcement in relation to the Crown) and 245B (References to an interest in land) to the principal Act. It also introduces similar amendments to the hazardous substances Act (new sections 30B and 30C). Equivalent amendments to the listed buildings Act (new sections 73D and 73E) in subsection (4) were commenced by [S.S.I. 2006/ 243](#).

Section 95 amends section 162 of the principal Act to provide that any tree preservation orders made on land placed at the disposal of the Forestry Commission do not apply to prevent forestry operations undertaken by the Commission.

Section 96 amends section 172 of the principal Act to prohibit the Crown from doing any act to a tree in a conservation area which might be prohibited by a tree preservation order, unless certain conditions are met.

Section 97 makes changes to the principal Act dealing with old mining permission to enable Crown bodies holding such permissions to have the opportunity, like other mine operators, to register such permissions and apply for the determination of new conditions.

Section 117(8) makes provision for interpretation. Section 118 introduces Schedule 7, which amends various enactments. Section 120 introduces Schedule 9 which deals with repeals.

Schedule 5 makes amendments to apply the planning Acts to the Crown.