

2007 No. 130 (C.16)

TOWN AND COUNTRY PLANNING

**The Planning etc. (Scotland) Act 2006 (Commencement No. 2)
Order 2007**

Made - - - -

28th February 2007

The Scottish Ministers, in exercise of the powers conferred by section 59(2) of the Planning etc. (Scotland) Act 2006^(a) hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Planning etc. (Scotland) Act 2006 (Commencement No. 2) Order 2007.

(2) In this Order—

“the Act” means the Planning etc. (Scotland) Act 2006; and

“the Schedule” means the Schedule to this Order.

Commencement

2.—(1) Section 16(a) (manner in which applications for planning permission are dealt with etc.) of the Act shall come into force on 1st March 2007.

(2) The provisions of the Act which are specified in column 1 of the Schedule (and the subject matter of which is described in column 2 of the Schedule) shall, subject to paragraph (3), come into force on 1st April 2007 for all purposes.

(3) Where a particular purpose is specified in column 3 of the Schedule in relation to any provision, that provision shall come into force on 1st April 2007 only for that purpose.

DES McNULTY

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
28th February 2007

SCHEDULE

Article 2

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 1	National Planning Framework	
Section 3(1)(a), (c), (d) and (e) and (4)	Meaning of “development”	
Section 4	Marine fish farms	
Section 12(a)(iii) and (iv)	Public availability of information as to how planning applications have been dealt with	
Section 18	Call-in of applications by Scottish Ministers	
Section 27	Enforcement charters	
Section 28(1)(a), (b) and (c)	Tree preservation orders	
Section 32	Grants for advice and assistance	
Sections 33 to 49 (Part 9)	Business Improvement Districts	
Section 50	National Scenic Areas	Only for the purpose of enabling regulations to be made and guidance to be issued
Section 51	Equal opportunities	
Section 54(1), (2), (11)(b)(i) and (iii), (16)(d) and (e) and (17)(a)(i), (ii) and (iii)	Further amendment of the principal Act	Section 54(17)(a)(i) is commenced only for the purpose of inserting the definitions of “national developments” and “National Planning Framework” into section 277(1) of the principal Act
Section 55(1) and (3)	Further amendment of the listed buildings Act	

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject Matter</i>	<i>Purpose</i>
Section 56 and the schedule	Repeals	<p>Only for the purpose of the repeal of–</p> <ul style="list-style-type: none"> (i) section 263 of the principal Act; (ii) Part 2 of Schedule 18 to the principal Act; and (iii) the provisions of the Water Environment and Water Services (Scotland) Act 2003(a) specified in the schedule.

(a) 2003 asp 3.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings section 16(a) of the Planning etc. (Scotland) Act 2006 (“the Act”) into force on 1st March 2007 and other provisions listed in the Schedule to the Order on 1st April 2007 either for all purposes or for limited purposes.

The provisions commenced on 1st April 2007 for all purposes are: section 1; subsection (1) (other than paragraph (b) and (4) of section 3; section 4; section 12(a)(iii) and (iv); sections 18 and 27; paragraphs (a), (b) and (c) of section 28(1); sections 33 to 49; section 51; section 54(1) and (2), paragraphs (b)(i) and (iii) of section 54(11), paragraphs (d) and (e) of section 54(16); paragraphs (a)(ii) and (iii) of section 54(17) and section 55(1) and (3).

Article 2(3) limits the purposes for which certain provision are commenced on 1st April 2007. Section 50 is commenced to enable regulations to be made or guidance issued. Section 54(17)(a)(i) is commenced for the purpose of inserting new definitions into section 277 of the Town and Country Planning (Scotland) Act 1997 (c.8) (“the 1997 Act”). Section 56 and the Schedule are commenced for the purpose of repealing section 263 of and Part 2 of Schedule 18 to the 1997 Act and certain provisions of the Water Services and Water Environment (Scotland) Act 2003.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Purpose</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 3, 33 to 49 and 54 (partially)		6th February 2007	S.S.I. 2007/49
Sections 57 and 58		6th February 2007	S.S.I. 2007/49

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