

2007 No. 176

TOWN AND COUNTRY PLANNING

The Planning etc. (Scotland) Act 2006 (Consequential Provisions) Order 2007

Made - - - - - *6th March 2007*

Laid before the Scottish Parliament *7th March 2007*

Coming into force - - - *1st April 2007*

The Scottish Ministers, in exercise of the powers conferred by section 58(1) and (2) of the Planning etc. (Scotland) Act 2006(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Planning etc. (Scotland) Act 2006 (Consequential Provisions) Order 2007 and shall come into force on 1st April 2007.

Revocation

2. The following Regulations are revoked—

- (a) the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981(b) (“the 1981 Regulations”); and
- (b) the Town and Country Planning (Development by Planning Authorities) (Scotland) Amendment Regulations 1984(c).

Amendment of the Environmental Impact Assessment (Scotland) Regulations 1999

3. Regulations 22 to 26 of the Environmental Impact Assessment (Scotland) Regulations 1999(d) are omitted.

Saving provision

4.—(1) This article applies to proposed development in respect of which a local authority has published a notice in accordance with regulation 4(1) of the 1981 Regulations (publicity for development) on or before 31st March 2007.

(a) 2006 asp 17.
(b) S.I. 1981/829.
(c) S.I. 1984/238.
(d) S.S.I. 1999/1.

(2) The following provisions shall continue to have effect, on and after 1st April 2007, as they had effect immediately before that date in relation to a case to which this article applies:—

- (a) section 263 of, and Part 2 of Schedule 18 to, the principal Act;
- (b) the Regulations revoked by article 2; and
- (c) the regulations omitted by article 3.

St Andrew's House,
Edinburgh
6th March 2007

DES McNULTY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential and saving provisions to give effect to provisions of the Planning etc. (Scotland) Act 2006 (“the Act”). Section 56 of, and the schedule to, the Act repeal section 263 of, and Part 2 of Schedule 18 to, the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”). Section 263 of the 1997 Act made provision in respect of the application of certain provisions of the 1997 Act to development by local authorities of land in respect of which they are the planning authority and enabled regulations to be made which modified the provisions specified in Part 2 of Schedule 18 to the 1997 Act in their application to such development.

Article 2 revokes the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 (“the 1981 Regulations”), being regulations which have effect as if made under section 263 of the 1997 Act. It also revokes the Town and Country Planning (Development by Planning Authorities) (Scotland) Amendment Regulations 1984, which would otherwise be spent on the revocation of the 1981 Regulations.

Article 3 makes a consequential amendment to the Environmental Impact Assessment (Scotland) Regulations 1999 to take account of the revocation of the 1981 Regulations.

Article 4 makes savings so that section 263 of, and Part 2 of Schedule 18 to, the 1997 Act, the Regulations revoked by article 2 and the provisions omitted by article 3 continue to have effect for proposed development in respect of which a notice has been published under regulation 4(1) of the 1981 Regulations on or before 31st March 2007.