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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 256**

**The Planning etc. (Scotland) Act 2006  
(Consequential Amendments) Order 2009**

**Amendment of the Town and Country Planning (Scotland) Act 1997**

- 2.—(1) The 1997 Act is amended in accordance with paragraphs (2) to (7).
- (2) In section 36(3)(b) (register of applications) after “appeal” insert “or review”.
- (3) In section 60(2) (provisions supplementary to sections 58 and 59)—
- (a) the word “or” following paragraph (a) is repealed; and
  - (b) at the end of paragraph (b) insert—
    - “, or
    - (c) in a case where the application is determined by a person appointed by virtue of a scheme of delegation and on a review of the case under section 43A(8) the planning authority grant the approval, on the date of the notice of the decision given by virtue of section 43A(11)(e)”.
- (4) In section 180(3) (appeal against amenity notice) the words “and (2)” are repealed.
- (5) In section 266(1) (orders for expenses) the words from “proceedings” to the end of that subsection become paragraph (a) and at the end of that paragraph insert—
- “, and
- (b) proceedings arising under or by virtue of sections 46, 47, 75B, 75F, 130, 154, 169 and 180”.
- (6) In section 277(5) (interpretation)—
- (a) in paragraph (a) after “appeal” insert “ or review”;
  - (b) after paragraph (b) insert—
    - “(ba) in relation to a decision upheld on review under section 43A(8) (a) or (b), such references shall be construed as references to the decision of the person appointed under the scheme of delegation to determine the application and not to the decision of the planning authority on review;”;
  - (c) after paragraph (c) insert—
    - “(ca) in relation to a decision given on a review under section 43A(8) (c), such references shall be construed as references to the decision so given;”;
  - (d) after paragraph (d) insert—
    - “(da) the time of a planning decision—
      - (i) in the case where there is or was a review under section 43A(8)(a) or (b), shall be taken to be or have been the time of the decision as made by the person appointed under the scheme of delegation to determine the application (whether or not that decision is or was altered on review); or

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(ii) in the case of a decision given on a review under section 43A(8)(c), shall be taken to be or have been the time when the application is deemed to have been refused under section 43A(9).”.

(7) In Schedule 4 (determination of certain appeals by person appointed by the Scottish Ministers), in paragraph 6(2)(a), the words “by virtue of paragraph 2(4)” are repealed.