

2013 No. 154

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Control of Advertisements)
(Scotland) Amendment Regulations 2013**

<i>Made</i> - - - -	<i>21st May 2013</i>
<i>Laid before the Scottish Parliament</i>	<i>23rd May 2013</i>
<i>Coming into force</i> - -	<i>30th June 2013</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 182, 186 and 275 of the Town and Country Planning (Scotland) Act 1997^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Control of Advertisements) (Scotland) Amendment Regulations 2013 and come into force on 30th June 2013.

(2) In these Regulations “the 1984 Regulations” means the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984^(b).

Amendment of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

2.—(1) Subject to regulation 3, the 1984 Regulations are amended in accordance with paragraphs (2) to (6).

(2) In regulation 14(5) (power to require the discontinuance of the display of advertisements displayed with deemed consent) omit from “; and” to the end.

(3) Omit regulation 20(3) (notification of planning authority’s decision).

(4) In regulation 21 (appeals to the Scottish Ministers)—

(a) for paragraph (1) substitute—

“(1) The provisions of sections 47 to 48 of the Act apply in relation to—

(a) a consent to display advertisements;

(b) an application for such consent; and

(c) an application for any consent, agreement or approval required by a condition imposed on the grant of such consent,

(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 275 was relevantly by paragraph 20(3) of Schedule 7 to the Planning and Compulsory Purchase Act 2004 (c.5) and section 54(16)(a) of the Planning etc. (Scotland) Act 2006 (asp 17). Section 182 was amended by section 7(2) of, and the schedule to, the Planning etc. (Scotland) Act 2006. Section 267 was amended by section 19(5) of that Act. Section 275A was inserted by section 52(1) of that Act.

(b) S.I. 1984/467 to which there are amendments which are not relevant to these Regulations.

as they apply to planning permission, an application for planning permission or an application for any consent, agreement or approval required by a condition imposed on the grant of such permission subject to the modifications specified in paragraph (1A).

(1A) The modifications are—

- (a) references to planning permission are to be treated as references to a consent to display advertisements; and
 - (b) section 47 of the Act applies as if subsections (1)(c), (2)(b) and (c) were omitted.”; and
 - (b) in paragraph (2) after “apply” insert “(other than to the extent to which it applies section 47A of the Act)”;
 - (c) omit paragraphs (3) to (7) and (9).
- (5) In regulation 24(4) (enforcement of advertisement control) after “Subject to” insert “section 131(3) of the Act as applied by”.
- (6) For regulation 25 (appeals to the Scottish Ministers) substitute—

“Enforcement Appeals to the Scottish Ministers

25.—(1) The provisions of sections 130 to 132 of the Act apply in relation to an enforcement notice served under regulation 24 as they apply to an enforcement notice issued under section 127 of the Act subject to the modifications specified in paragraph (2).

(2) The modifications are—

- (a) references to an enforcement notice are to be treated as references to an enforcement notice served under regulation 24;
- (b) section 130(1) of the Act applies as if the grounds of appeal were—
 - (i) that the matters alleged in the notice do not constitute a display of an advertisement without a consent required by these regulations or a failure to comply with any condition or limitation subject to which any such consent was granted or deemed to be granted;
 - (ii) that the enforcement notice was not served as required by regulation 24;
 - (iii) that the specified period for compliance with the notice falls short of what should reasonably be allowed;
 - (iv) that the steps required by the notice to be taken exceed what is necessary for the purpose identified under regulation 24(3); and
- (c) the reference in section 132(4) of the Act to section 127(2) is treated as a reference to regulation 24 of these Regulations.”.

Savings provisions

3.—(1) The 1984 Regulations continue to have effect as they did immediately before 30th June 2013 to—

- (a) an appeal made by virtue of regulation 21 of the 1984 Regulations; and

(b) an appeal made by virtue of regulation 25 of the 1984 Regulations,
where notice of appeal is given to the Scottish Ministers before that date.

St Andrew's House,
Edinburgh
21st May 2013

DEREK MACKAY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The changes relate to appeals relating to decisions, and failure to give decisions, regarding the consents to display advertisements and to appeal in relation to discontinuance notices and enforcement notices served in relation to the display of advertisements. The amendments apply, with modifications, the provisions of sections 47 to 48 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) to appeals relating to consents to display advertisements; sections 47 and 48 of the Act to appeals relating to discontinuance notices and sections 130 to 132 of the Act to appeals relating to enforcement notices. The procedure applicable to such appeals, including time limits for making an appeal, is set out in the Town and Country Planning (Appeals) (Scotland) Regulations 2013.

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