
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 294 (C. 25)

TOWN AND COUNTRY PLANNING

**The Planning (Scotland) Act 2019 (Commencement
No. 5 and Saving, Transitional and
Consequential Provisions) Regulations 2020**

Made - - - - *22nd September*
Laid before the Scottish *2020*
Parliament - - - - *24th September 2020*
Coming into force - - *18th November 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 59 and 63(2) and (3)(b) of the Planning (Scotland) Act 2019(1).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Scotland) Act 2019 (Commencement No. 5 and Saving, Transitional and Consequential Provisions) Regulations 2020 and come into force on 18 November 2020.

(2) In these Regulations—

“the Act” means the Planning (Scotland) Act 2019, and

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997(2).

Appointed day

2.—(1) Subject to regulation 3, the day appointed for the coming into force of the provisions of the Act specified in paragraph (2) is 18 November 2020.

(2) The provisions are—

(a) section 34 (planning obligations: financial agreements), and

(b) section 37 (planning obligations: modification or discharge).

(1) 2019 asp 13.

(2) 1997 c.8. Section 75 of the Town and Country Planning (Scotland) Act 1997 was substituted, and sections 75A and 75B introduced, by section 23(1) of the Planning etc. (Scotland) Act 2006 (asp 17).

Saving and transitional provisions

3.—(1) The amendments made by section 34 of the Act to section 75 (planning obligations) of the 1997 Act do not affect the validity of an existing planning obligation and the provisions of section 75 of the 1997 Act continue to apply in relation to an existing planning obligation as they did immediately before 18 November 2020.

(2) The provisions of the 1997 Act specified in paragraph (3) (as those provisions have effect on 18 November 2020) apply in relation to an existing planning obligation as they apply to a planning obligation entered into under section 75 of the 1997 Act on or after that date and, for the purpose of such application, references in those sections and in regulations made under the 1997 Act to a planning obligation are to be treated as including a reference to an existing planning obligation.

(3) The provisions are—

- (a) section 34 (notice by planning authority of certain applications made to them),
- (b) section 43 (directions etc. as to method of dealing with applications),
- (c) section 75A (modification and discharge of planning obligations), and
- (d) section 75B (appeals).

(4) In this regulation, “existing planning obligation” means a planning obligation entered into under, or having effect as if entered into under, section 75 of the 1997 Act before 18 November 2020.

Consequential amendment of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010

4. Regulation 10(2)(a) (directions requiring information or restricting the modification or discharge of a planning obligation) of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010(3) is revoked.

St Andrew’s House,
Edinburgh
22nd September 2020

KEVIN STEWART
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 34 and 37 of the Planning (Scotland) Act 2019 (“the Act”) into force on 18 November 2020 subject to the saving and transitional provision in regulation 3. Regulation 4 makes a consequential amendment to the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010 following changes made to section 43(4) of the Town and Country Planning (Scotland) Act 1997 by section 37(3) of the Act.

The Bill for the Act received Royal Assent on 25 July 2019. Sections 58 to 61, 63 and 64 came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Planning (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2 and 10	8 November 2019	S.S.I. 2019/314
Sections 3, 5, 7, 11, 14 and 62 and paragraph 9 of schedule 2 (for limited purposes)	8 November 2019	S.S.I. 2019/314
Sections 25 and 42	20 December 2019	S.S.I. 2019/377
Section 23	1 March 2020	S.S.I. 2019/377
Section 18(1), (2) and (4)	1 December 2019	S.S.I. 2019/385
Sections 20, 24, 29, 41, 47, 48, 49, 51, 52 and 53	1 December 2019	S.S.I. 2019/385
Sections 26, 62 and paragraph 9 of schedule 2 (for limited purposes)	1 December 2019	S.S.I. 2019/385
Sections 27 and 30	1 March 2020	S.S.I. 2019/385
Section 17, 62 and paragraph 9 of schedule 2 (for limited purposes)	18 May 2020	S.S.I. 2020/67
Section 26	18 May 2020	S.S.I. 2020/67