

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part IV. (See end of Document for details)

SCHEDULES

SCHEDULE 22

TRANSITIONAL PROVISIONS AND SAVINGS

PART IV

GENERAL PLANNING CONTROL

Planning permission: general

- 9 Subsection (1) of section 20 of this Act applies (subject to the provisions of that section) to the carrying out of development whether before or after the commencement of this Act, except that it does not apply to development carried out on or before the appointed day.
- 10 In sections 23 and 24 of this Act references to an application for planning permission do not include references to any application made before 16th August 1959.
- 11 Subsection (2)(b) of section 23, and the other provisions of that section relating to subsection (2)(b), do not apply to any application made before 18th May 1970.
- 12 Where by virtue of the proviso to subsection (3) of section 3 of the ^{M1}Town and Country Planning (Amendment) Act 1951 (works for making good war damage which were begun between the appointed day and 13th December 1950) any works were, immediately before the commencement of this Act, treated for the purposes of that Act as if planning permission had been granted unconditionally in respect thereof, those works shall be so treated for the purposes of this Act also.

Marginal Citations

M1 1951 c. 19.

Review of planning decisions and orders under Part V of Act of 1954

- 13 For the purposes of paragraph 1 of this Schedule, any direction given under section 47(3) or (4) of the Act of 1954, whether before or (by virtue of paragraph 66 of this Schedule) after the commencement of this Act, as well as any direction

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given under section 23 of that Act, shall be treated as a direction which could have been given under section 35 of this Act.

Duration of planning permission

- 14 Sections 38 and 39 of this Act do not apply to planning permissions granted or deemed to have been granted before 8th December 1969.
- 15 (1) Subject to sub-paragraph (2) of this paragraph, every planning permission granted or deemed to have been granted before 8th December 1969 shall, if the development to which it relates had not been begun before the beginning of 1969, be deemed to have been granted subject to a condition that the development must be begun not later than the expiration of five years beginning with 8th December 1969.
- (2) Sub-paragraph (1) of this paragraph does not apply—
- (a) to any planning permission which was granted or deemed to be granted before 8th December 1969 subject to an express condition that the development to which it relates should be begun, or be completed, not later than a specified date or within a specified period; or
 - (b) to any such planning permission as is mentioned in section 38(3) of this Act.
- 16 (1) Subject to sub-paragraph (2) of this paragraph, where before 8th December 1969 outline planning permission (as defined by section 39 of this Act) has been granted for development consisting in or including the carrying out of building or other operations, and the development has not been begun before the beginning of 1969, that planning permission shall be deemed to have been granted subject to conditions to the following effect—
- (a) that, in the case of any reserved matter (as defined in that section), application for approval must be made not later than the expiration of three years beginning with 8th December 1969; and
 - (b) that the development to which the permission relates must be begun not later than whichever is the later of the following dates—
 - (i) the expiration of five years from 8th December 1969; or
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (2) Sub-paragraph (1) of this paragraph does not apply to any planning permission granted before 8th December 1969 subject to an express condition that the development to which it relates should be begun, or be completed, or that application for approval of any reserved matter should be made, not later than a specified date or within a specified period.
- 17 (1) In sections 27(3), 40(1), (5), (6) and (7), 41 and 43(6) of this Act references to sections 38 and 39 of this Act shall respectively include references to paragraphs 15 and 16 of this Schedule.

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(2) In sections 136(3), 158(7), 169(4) and 226(5) of this Act references to the conditions referred to in sections 38 and 39 of this Act shall include references to the conditions referred to in paragraphs 15 and 16 of this Schedule.

18 Until the coming into operation of the first regulations to be made for the purposes of paragraph (c) of section 40(3) of this Act (or the corresponding enactment previously in force), regulations made for the purposes of section 99(2) of the ^{M2}Land Commission Act 1967 shall have effect as if made also for the purposes of that paragraph.

Marginal Citations

M2 1967 c. 1.

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