



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART III

#### GENERAL PLANNING CONTROL

##### *Duration of planning permission*

#### **41 Termination of planning permission by reference to time limit**

- (1) The following provisions of this section shall have effect where, by virtue of section 38 or 39 of this Act, a planning permission is subject to a condition that the development to which the permission relates must be begun before the expiration of a particular period and that development has been begun within that period but the period has elapsed without the development having been completed.
- (2) If the local planning authority are of opinion that the development will not be completed within a reasonable period, they may serve a notice (in this section referred to as a "completion notice") stating that the planning permission will cease to have effect at the expiration of a further period specified in the notice, being a period of not less than twelve months after the notice takes effect.
- (3) A completion notice—
  - (a) shall be served on the owner and on the occupier of the land and on any other person who in the opinion of the local planning authority will be affected by the notice; and
  - (b) shall take effect only if and when it is confirmed by the Secretary of State, who may in confirming it substitute some longer period for that specified in the notice as the period at the expiration of which the planning permission is to cease to have effect.
- (4) If, within such period as may be specified in a completion notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served

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*Status: This is the original version (as it was originally enacted).*

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so requires, the Secretary of State, before confirming the notice, shall afford to that person and to the local planning authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

- (5) If a completion notice takes effect, the planning permission therein referred to shall at the expiration of the period specified in the notice, whether the original period specified under subsection (2) of this section or a longer period substituted by the Secretary of State under subsection (3) of this section, be invalid except so far as it authorises any development carried out thereunder up to the end of that period.
- (6) The local planning authority may withdraw a completion notice at any time before the expiration of the period specified therein as the period at the expiration of which the planning permission is to cease to have effect; and if they do so they shall forthwith give notice of the withdrawal to every person who was served with the completion notice.