

## SCHEDULES

### SCHEDULE 23

#### AMENDMENT OF ENACTMENTS RELATING TO PLANNING

##### *The Town and Country Planning (Scotland) Act 1972*

- 16 In section 13(1) (alteration of local plans), after the word " authority" there shall be inserted the words " shall keep under review any local plan adopted by them and ".
- 17 In section 15(1) (default powers of Secretary of State), the following amendments shall be made—
- (a) after the words " this Act" there shall be inserted the words " or of the provisions of Part IX of the Local Government (Scotland) Act 1973 ";
  - (b) after paragraph (b) there shall be inserted the words " the Secretary of State may direct the planning authority to carry out their functions in relation to the matters mentioned in this subsection and may specify in the direction the factors to be taken into account or objectives to be achieved by the planning authority in so doing, or ".
- 18 In section 43 (unopposed revocation or modification), the following amendments shall be made—
- (a) in subsection (1), the words from " and (b)" onwards shall cease to have effect;
  - (b) in subsection (3), the words from " and the notice " onwards shall cease to have effect.
- 19 In section 52(4) (lists of buildings of special interest), for the words from "any local" to "planning authority" there shall be substituted the words " any regional, general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973 ".
- 20 In section 63(3) (maintenance of waste land), for the words " section 88" there shall be substituted the words " sections 85 and 88 ".
- 21 In section 102 (compulsory acquisition of land), the following amendments shall be made—
- (a) in subsection (3), for the words from " in a county " onwards there shall be substituted the words—
    - “in a region, consult with the regional council;
    - (b) where the land is in an islands area, consult with the islands council;
    - (c) where the land is in a district, consult with the district council.”;
  - (b) in subsection (5), for the words from " the councils " on wards there shall be substituted the words " regional, islands and district councils ".

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*Status: This is the original version (as it was originally enacted).*

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- 22 In section 107 (minimum compensation), the following amendments shall be made—
- (a) in subsection (1), for the words from first " include " onwards there shall be substituted the words " make a direction for minimum compensation ";
  - (b) in subsection (3), the words " application for " shall cease to have effect;
  - (c) in subsection (5), for the words from " include " to first " for " there shall be substituted the word " make ", and for the words from " application " to " refused " there shall be substituted the words " direction for minimum compensation be reversed ".
- 23 In section 109(1)(c) (acquisition of land by agreement), for the words "the Secretary of State" there shall be substituted the word " them ".
- 24 In section 111(3) (appropriation of land), for the words from the beginning to " 1947 " there shall be substituted the words " Section 73 of the Local Government (Scotland) Act 1973 ".
- 25 In section 115(3) (provisions as to features and buildings of architectural and historic interest), for the word " preservation", in both places where it occurs, there shall be substituted the word " preserving ".
- 26 In section 153(1) (compensation where planning permission revoked or modified), the words from "(other" to "State)" shall cease to have effect.
- 27 In section 201(9) (extinguishment of right to use vehicles on highway), for the words " county councils and town " there shall be substituted the words " regional, islands and district " and after the words " planning authority " there shall be inserted the words " exercising district planning functions ".
- 28 In section 202(5) (amenity for highway reserved to pedestrians), for the words " county councils and town " there shall be substituted the words " regional, islands and district " and after the words " planning authority " there shall be inserted the words " exercising district planning functions ".
- 29 In section 243 (assistance for acquisition of property), for the words from " county " to " town " there shall be substituted the words " regional, islands or district ".
- 30 In section 250(3) (borrowing by local authorities), for the words " XII " and " 1947 " there shall be substituted respectively the words " VII " and " 1973 ".
- 31 In section 260(6)(a) (default powers), for the words from "the council " to " burgh " there shall be substituted the words " a local authority " and for the word " council" there shall be substituted the word " authority ".
- 32 In section 275(1) (interpretation), the following amendments shall be made—
- (a) for the definition of " local authority " there shall be substituted the following definition—
    - “ local authority ' means a regional, islands or district council;”;
  - (b) in the definition of " planning authority", for the words " section 1 of this Act" there shall be substituted the words " section 172 of the Local Government (Scotland) Act 1973 ";
  - (c) there shall be inserted, at the appropriate place in alphabetical order, the following definition—
    - “ district planning functions ' has the meaning assigned to it by section 172 of the Local Government (Scotland) Act 1973;”.

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

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- 33 In Schedule 10 (control of works on listed buildings), in paragraph 15, for the words " local authority " there shall be substituted the words " planning authority
- 34 In Schedule 18 (orders relating to footpaths etc.), in paragraph 1(2)(b)(ii), for the words " county or town council" there shall be substituted the words " local authority ".