

SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

The Town and Country Planning (Scotland) Act 1972 (c. 52)

- 15 In section 10(3) (statement as regards planning authority's consultations etc.), after the word " State " there shall be inserted the words " , or made available for inspection, ".
- 16 After section 205 (procedure by Secretary of State in anticipation of planning permission) there shall be added the following section—

“205A Further procedure in anticipation of planning permission, etc.

(1) Where—

- (a) a planning authority would, if planning permission for any development had been granted under Part III of this Act, have power to make an order under section 198A of this Act authorising the stopping-up or diversion of a highway in order to enable that development to be carried out; or
- (b) a highway authority would, if planning permission for constructing or improving a highway had been granted under Part III of this Act, have power to make an order under section 200 of this Act authorising the stopping up or diversion of any other highway,

then, notwithstanding that such permission has not been granted, the relevant authority may, in the circumstances specified in subsections (2) to (4) of this section, publish notice of the draft of such an order in accordance with the provisions of Schedule 18 to this Act; but nothing in the said schedule shall be construed as authorising the relevant authority to make the order in anticipation of such permission.

- (2) The relevant authority may publish such a notice as aforesaid where the relevant development is the subject of an application for planning permission.
- (3) The relevant authority may publish such a notice as aforesaid where—
- (a) the relevant development is to be carried out by a local authority, statutory undertakers or the National Coal Board and requires, by virtue of an enactment, the authorisation of a government department; and
- (b) the developers have made an application to the department for that authorisation and also requested a direction under section 37 of this Act, or, in the case of the National Coal Board, under section 2 of the Opencast Coal Act 1958, that planning permission be deemed to be granted for that development.

Status: This is the original version (as it was originally enacted).

(4) The planning authority may publish such a notice as aforesaid where they have begun to take such steps, in accordance with regulations made by virtue of section 256 of this Act, as are requisite in order to enable them to obtain planning permission for the relevant development.

(5) In the foregoing provisions of this section "relevant authority" means the planning authority mentioned in paragraph (a) of subsection (1) above or, as the case may be, the highway authority mentioned in paragraph (b) of that subsection ; and "relevant development" means the development mentioned in the said paragraph (a) or, as the case may be, the construction or improvement mentioned in the said paragraph (b).”.

17 In section 206 (confirmation of orders)—

- (a) for subsection (1) there shall be substituted the following subsection—
- “(1) An order made under section 198A or 199 of this Act by a planning authority, section 200 thereof by a highway authority, section 201 thereof by a competent authority or section 203(1)(b) thereof by a local authority, shall not take effect unless confirmed—
- (a) by the Secretary of State in a case where the order is opposed ;
- (b) in any other case by the authority making the order.”;
- (b) in subsection (2), after the word "section" there shall be inserted the words " 198A (or that section as applied by section 200(3)) ";
- (c) in subsection (3), after paragraph (a) there shall be inserted the following paragraphs—
- “(aa) in an order under section 198A or 200 as the time from which a highway is to be stopped up or diverted ; or
- (ab) in an order under section 201 as the time from which a right is to be extinguished ; or”;
- (d) in subsection (4)—
- (i) for the words " 199" there shall be substituted the words " 198A, 199, 200, 201 "; and
- (ii) at the end there shall be added the words " The Schedule has no application as regards orders made by the Secretary of State. ",

18 In section 207(1) (compulsory acquisition of land in connection with highways)—

- (a) in paragraph (a), after the words " 198," there shall be inserted the words " 198A, "; and
- (b) in paragraph (b), after the words " 203(1)(a) " there shall be inserted the words

19 In section 208 (concurrent proceedings in connection with highways)—

- (a) in subsection (1), after the words " 198," there shall be inserted the words " 198A, " or (b) ". ; and
- (b) in subsection (2), after the words " 203(1)(a)" there shall be inserted the words " or (b) ".

20 In section 209 (provisions as to telegraphic lines)—

- (a) in subsection (1), after the words " 198," there shall be inserted the words " 198A, ";
- (b) in subsection (3)—

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- (i) for the words " 203(1)(a)" there shall be substituted the words " 203(1)(b) ";
 - (ii) for the words " on the application of a planning authority " there shall be substituted the words " by a local authority ";
 - (iii) for the words " 204(1) of" there shall be substituted the words " 206(4) of, and Schedule 18 to, ";
 - (iv) for the words " planning authority " in each of paragraphs (a), (b), (d) and (e) there shall be substituted the words " local authority ";and
 - (c) in subsection (4)—
 - (i) for the words " 203(1)(a)" there shall be substituted the words " 203(1)(b) ";
 - (ii) for the words " Secretary of State " there shall be substituted the words " local authority ".
- 21 In section 210 (construction of section 32 of Mineral Workings Act 1951)—
- (a) in subsection (1)—
 - (i) in paragraph (a), for the words " section 199 " there shall be substituted the words " sections 198A and 199 ";
 - (ii) in paragraph (b), after the words " a reference to " there shall be inserted the words " subsection (2)(b) of the said section 198A or, as the case may be, to ";
 - (iii) in paragraph (c), for the word "section" there shall be substituted the words " sections 198A and ";
 - (b) in subsection (2), for the words "a reference to section 200 " there shall be substituted the words " references to sections 198A and 200 ".
- 22 In section 273(5) (statutory instruments containing orders made under certain sections to be subject to annulment in pursuance of a resolution of either House of Parliament), for the words " 18(4)(a)" there shall be substituted the words " 181(4)(a) ".
- 23 In Schedule 18 (procedure in connection with orders relating to footpaths and bridleways)—
- (a) in each of paragraphs 1(1), 5 and 6, for the words " 199 " there shall be substituted the words " 198A, 199, 200, 201 ";
 - (b) in paragraph 3, in each of sub-paragraphs (1) and (2), for the words " 199 " there shall be substituted the words " 198A, 199 or 200 ";
 - (c) in paragraph 4(1), for the words " 199 " there shall be substituted the words " 198A, 199, 200 or 201 ".