



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

Supplemental

38 Interpretation.

(1) In this Act—

“contravention of hazardous substances control” shall be construed in accordance with section 21(2),

[^{F1}“development consent” means development consent under the Planning Act 2008,]

“hazardous substances consent” means consent required by section 2,

“hazardous substances contravention notice” means such a notice as is mentioned in section 22(1), and

“the principal Act” means the ^{M1}Town and Country Planning (Scotland) Act 1997.

[^{F2}“the safety regulator” means—

(a) in relation to land which is, or is on, a nuclear site (within the meaning of Part 3 of the Energy Act 2013), the Office for Nuclear Regulation;

(b) otherwise, the Health and Safety Executive.]

(2) In this Act, except in so far as the context otherwise requires and subject to the following provisions of this section, the following expressions have the same meaning as in the principal Act—

“development”,

“development plan”,

“enactment”,

“functions”,

“government department”,

Changes to legislation: There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Cross Heading: Supplemental. (See end of Document for details)

“land”,
 “local authority”,
 “minerals”,
 “Minister”,
 “owner”,
 “planning authority”,
 “planning permission”,
 “prescribed”,
 “public gas transporter”,
 “statutory undertakers”,
 “urban development corporation”,
 “use”, and
 “Valuation Office”.

- (3) For the purposes of sections 2 to 8, 10 to 19, 21 to 23 and 29(1) and (2) any two bodies corporate are to be treated as being one person if—
- (a) one of them is a body corporate of which the other is a subsidiary (within the meaning of [F³section 1159 of the Companies Act 2006]), or
 - (b) both of them are subsidiaries (within the meaning of [F⁴that section]) of one and the same body corporate.
- (4) For the purposes of sections 10 and 37(2) a public gas transporter shall be deemed to be a statutory undertaker.
- (5) For the purposes of section 37(2) [F⁵a universal service provider (within the meaning of [F⁶Part 3 of the Postal Services Act 2011]) in connection with the provision of a universal postal service (within the meaning of [F⁷that Part])], the Civil Aviation Authority [F⁸, a person who holds a licence under chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)] and any holder of a licence under section 6(1) of the M²Electricity Act 1989 shall be deemed to be statutory undertakers.
- (6) Without prejudice to section 20(2) of the M³Interpretation Act 1978, references in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

Textual Amendments

- F1** Words in s. 38(1) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 2 para. 64** (with s. 226); [S.I. 2010/101](#), art. 2 (with art. 6)
- F2** Words in s. 38(1) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 20(7)** (with Sch. 4)

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- F3** Words in s. 38(3)(a) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 167(a)** (with art. 10)
- F4** Words in s. 38(3)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 167(b)** (with art. 10)
- F5** Words in s. 38(5) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 117**
- F6** Words in s. 38(5) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 149(a)**; S.I. 2011/2329, art. 3
- F7** Words in s. 38(5) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 149(b)**; S.I. 2011/2329, art. 3
- F8** Words in s. 38(5) inserted (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 13**; S.I. 2001/869, **art. 2**

Marginal Citations

- M1** 1997 c. 8.
M2 1989 c. 29.
M3 1978 c. 30.

39 Regulations.

- (1) The Secretary of State may make regulations—
- (a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by a planning authority which is a local authority;
 - (b) for any purpose for which regulations are authorised or required to be made under this Act.
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.
- (3) Any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

40 Short title, commencement and extent.

- (1) This Act may be cited as the Planning (Hazardous Substances) (Scotland) Act 1997.
- (2) This Act shall come into force at the end of the period of 3 months beginning with the day on which it is passed.
- (3) This Act extends to Scotland only.

Changes to legislation:

There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Cross Heading: Supplemental.