



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

Secretary of State's powers

20 Validity of decisions as to applications.

- (1) If any person is aggrieved by any decision of the Secretary of State under section 18 or 19 and wishes to question the validity of that decision on the grounds—
- (a) that it is not within the powers of this Act, or
 - (b) that any of the relevant requirements have not been complied with in relation to that decision,

he may, within 6 weeks from the date on which the decision is taken, make an application to the Court of Session under this section.

- (2) Without prejudice to subsection (1), if the planning authority who made the decision on the application to which the proceedings relate or, as the case may be, referred the application wish to question the validity of any such decision as is mentioned in that subsection on any of the grounds there mentioned, the authority may, within 6 weeks from the date on which the decision is taken, make an application to the Court of Session under this section.

- (3) On any application under this section the Court of Session—
- (a) may by interim order suspend the operation of the decision in question until the final determination of the proceedings;
 - (b) if satisfied that the decision in question is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to it, may quash that decision.

- (4) In this section “the relevant requirements”, in relation to any decision, means any requirements of this Act or the principal Act or of the ^{M1}Tribunals and Inquiries Act 1992 or of any order, regulations or rules made under this Act or under either of those Acts which are applicable to that decision.

Changes to legislation: Planning (Hazardous Substances) (Scotland) Act 1997, Section 20 is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (5) Except as provided by this section, the validity of any such decision as is mentioned in subsection (1) shall not be questioned in any legal proceedings whatsoever.
- (6) Nothing in subsection (5) shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State to take any such decision as is there mentioned.

Modifications etc. (not altering text)

- C1** S. 20 modified (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), regs. 1, **56(5)**
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Marginal Citations

- M1** 1992 c. 53.

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Changes and effects yet to be applied to :

- s. 20 applied by 1997 c. 8 s. 241C(5) (as inserted) by [2006 asp 17 s. 29](#)