



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

Miscellaneous provisions

28 Health and safety requirements.

- (1) Nothing in—
 - (a) any hazardous substances consent granted or deemed to be granted or having effect by virtue of this Act, or
 - (b) any hazardous substances contravention notice issued under section 22, shall require or allow anything to be done in contravention of any of the [^{F1}relevant provisions] or any prohibition notice or improvement notice ^{F2}....
- (2) To the extent that such a consent or notice purports to require or allow any such thing to be done, it shall be void.
- (3) Where it appears to a planning authority who have granted, or are deemed to have granted, a hazardous substances consent or who have issued a hazardous substances contravention notice that the consent or notice or part of it is rendered void by subsection (2) the authority shall, as soon as is reasonably practicable, consult the [^{F3}safety regulator] with regard to the matter.
- (4) If the [^{F4}safety regulator advises] the authority that the consent or notice is rendered wholly void, the authority shall revoke it.
- (5) If [^{F5}the safety regulator advises] that part of the consent or notice is rendered void, the authority shall so modify it as to render it wholly operative.

[^{F6}(6) In this section—

“improvement notice” means a notice served under section 21 of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) or given under paragraph 3 of Schedule 8 to the Energy Act 2013 (“the 2013 Act”);

“prohibition notice” means a notice served under section 22 of the 1974 Act or given under paragraph 4 of Schedule 8 to the 2013 Act;

Changes to legislation: There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Section 28. (See end of Document for details)

- “the relevant provisions” means—
- (a) the relevant statutory provisions within the meaning of Part 1 of the 1974 Act; and
 - (b) the relevant statutory provisions within the meaning of Part of the 2013 Act other than—
 - (i) the provisions of the Nuclear Safeguards Act 2000; and
 - (ii) any provision of nuclear regulations identified in accordance with section 74(9) of the 2013 Act as being made for the nuclear safeguards purposes;]

Textual Amendments

- F1** Words in s. 28(1) substituted (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(2)(a)** (with Sch. 4)
- F2** Words in s. 28(1) omitted (1.4.2014) by virtue of [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(2)(b)** (with Sch. 4)
- F3** Words in s. 28(3) substituted (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(3)** (with Sch. 4)
- F4** Words in s. 28(4) substituted (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(4)** (with Sch. 4)
- F5** Words in s. 28(5) substituted (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(5)** (with Sch. 4)
- F6** S. 28(6) substituted (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(6)** (with Sch. 4)

Changes to legislation:

There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Section 28.