Town and Country Planning (Scotland) Act 1997

CHAPTER 8

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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12 (1) In this paragraph, in relation to a mining site,...

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13 (1) This paragraph applies where— (a) an application made under...

SCHEDULE 11 — Development not constituting new development

1 (1) The carrying out of— (a) the rebuilding, as often...
2 The use as two or more separate dwellinghouses of any...
3 Where after 1st July 1948— (a) any buildings or works...
4 For the purposes of paragraph 1 the cubic content of...
5 (1) In this Schedule “at a material date” means at...
6 (1) In relation to a building erected after 1st July...

SCHEDULE 12 — Condition treated as applicable to rebuilding and alterations

1 Where the building to be rebuilt or altered is the...
2 Where the building to be rebuilt or altered is not...
3 In determining under this Schedule the purpose for which floor...
4 (1) For the purposes of this Schedule gross floor space...
5 In relation to a building erected after 1st July 1948...

SCHEDULE 13 — Regulations as to compensation in respect of orders relating to mineral working

Power to modify compensation provisions

1 (1) The Secretary of State may by regulations ....

Determination of claims

2 The references in section 86 to questions of disputed compensation...

SCHEDULE 14 — Blighted land

Land allocated for public authority functions in development plans etc.

1 (1) This paragraph applies to land indicated in a strategic...
2 (1) This paragraph applies to land which—
3 This paragraph applies to land indicated in a plan (other...
4 This paragraph applies to land in respect of which a...

New towns and urban development areas

5 (1) This paragraph applies to land within an area described...
6 This paragraph applies to land within an area designated as...
7 (1) This paragraph applies to land which is—

Housing action areas

8 This paragraph applies to land within an area declared to...
9 This paragraph applies to land which is surrounded by or...

Roads

10 This paragraph applies to land indicated in a development plan...
11 (1) This paragraph applies to land on or adjacent to...
12 This paragraph applies to land shown on plans approved by...
13 This paragraph applies to land comprised in the site of...

Compulsory purchase

14 This paragraph applies to land authorised by a special enactment...
15 (1) This paragraph applies to land in respect of which—...
16 This paragraph applies to land— (a) the compulsory acquisition of...
17 (1) This paragraph applies to land which relates to the...

Land identified in national policy statements so far as relating to certain pipe-lines

18 This paragraph applies to land which is in a location...

Note

Land ceases to be within this paragraph when the national...

SCHEDULE 15 — General vesting declarations

Part I — GENERAL PROVISIONS

Execution of general vesting declarations

1 (1) Where a compulsory purchase order authorising an acquiring authority...
2 (1) Before making a general vesting declaration with respect to...
3 (1) Subject to sub-paragraph (2), a general vesting declaration shall...
4 As soon as may be after executing a general vesting...
5 For the purposes of this Schedule, a certificate by the...

Effect of general vesting declaration

6 At the end of the period specified in a general...
7 At the end of the period specified in a general...
8 Where any land specified in a general vesting declaration is...

Recovery of compensation overpaid

9 Paragraphs 10 to 14 shall have effect where, after the...
10 If, in a case falling within paragraph 9, it is...
11 If in a case falling within paragraph 9, it is...
12 Any question arising under paragraph 10 or 11—
13 Subject to paragraph 12, any amount recoverable by the acquiring...
14 Any sum recovered under paragraph 10 or 11 in respect...

Penalty for false information in claiming compensation

15 (1) If any person for the purpose of obtaining for...

Part II — SUPPLEMENTARY PROVISIONS

16 This Part shall have effect for the purposes of paragraphs...

Exclusion of power of entry under the Acquisition Act 1947

17 Paragraph 3 of Schedule 2 to the Acquisition Act 1947...
Restriction on withdrawal of constructive notice to treat

18 The power conferred by section 39 of the Land Compensation...

Objection to severance

19 Paragraph 4 of Schedule 2 to the Acquisition Act 1947...
20 (1) If a general vesting declaration under this Act comprises...
21 Where a notice of objection to severance is served in...
22 Within 3 months after a person has served on an...
23 If the acquiring authority do not take action in accordance...
24 Where in accordance with paragraph 22 or 23 the notice...
25 Where an acquiring authority take action in accordance with paragraph...
26 Where in accordance with paragraph 22(c) an acquiring authority refer...
27 (1) If on such a reference the Lands Tribunal does...
28 Where by virtue of paragraph 22(a), 23, 25 or 27...
29 (1) Where in accordance with paragraph 20(1) a person is...

Compensation

30 Where any of the land specified in a general vesting...
31 Sections 56 to 60 and sections 63 to 66 of...

Charges and tenancies

32 (1) Where land specified in a general vesting declaration under...
33 Where land specified in a general vesting declaration under this...
34 Where any of the land specified in a general vesting...

Miscellaneous

35 Where, after land has become vested in an acquiring authority...
36 (1) The time within which a question of disputed compensation,...
37 At the end of the period specified in a general...
Part III — INTERPRETATION
38 (1) In this Schedule— “short tenancy” means a tenancy for...
39 In this Schedule— “Acquisition Act 1947” means the Acquisition of...

SCHEDULE 16 — Procedure for making and confirming orders relating to roads and rights of way

Part I — MAKING ORDERS

Procedure for making of orders by Secretary of State

1 (1) Before making an order under section 202 or 206(1)(a)...

Procedure in anticipation of planning permission, etc.

2 (1) Where the Secretary of State would, if planning permission...

Further procedure in anticipation of planning permission, etc.

3 (1) Where a planning authority would, if planning permission for...
Part II — CONFIRMATION OF ORDERS
Application

4 (1) This Part shall have effect with respect to the...

Confirmation of orders made by other authorities

5 (1) An order made under section 203 by a competent...
6 (1) Before an order under section 203, 206(1)(b), 207 or...
7 If no representations or objections are duly made, or if...
8 (1) This paragraph applies where any representation or objection duly...
9 (1) The Secretary of State shall not confirm an order...
10 Regulations may, subject to this Part, make such provision as...

Part III — PUBLICIT Y FOR ORDERS AFTER CONFIRMATION

11 (1) As soon as may be after an order under...

SCHEDULE 17 — Enforcement as respects war-time breaches by the crown of planning control

Preliminary

1 In this Schedule— “authority” means an authority responsible for enforcing...

Making of compliance determination applications

2 (1) A compliance determination application may be made with respect...
3 A compliance determination application shall be accompanied by such plans...
4 (1) The authority to whom a compliance determination application is...

Determination of applications

5 (1) Where a compliance determination application is made to an...

Appeals against compliance determinations or failure to make such determinations

6 (1) Where the applicant is aggrieved by a compliance determination,...
7 (1) On such an appeal the Secretary of State may...
8 Subject to paragraph 9 and to any determination or decision...

Fresh applications where alteration in circumstances

9 Where a compliance determination has been given that works on...

References of application to Secretary of State

10 (1) If it appears to the Secretary of State that...

Information

11 The Secretary of State may give directions to any authority...

Opportunity for hearing

12 (1) On a compliance determination application the applicant may require...
Notice of proposed enforcement

13 (1) This paragraph applies where before the relevant date any...

Power of entry

14 (1) At any time before the relevant date any officer...

Service of notices

15 (1) Any notice or other document required or authorised to...

Supplementary provisions

16 Parts XIII and XIV do not apply to section 251...

SCHEDULE 18 — Provisions of this Act referred to in sections 261 to 263
Part I — PROVISIONS REFERRED TO IN SECTIONS 261(1) AND (2) AND 262(1)
Sections 4 to 22. Section 24. Section 26. Section 27(2)...
Part II — PROVISIONS REFERRED TO IN SECTION 263(1)

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— TABLE OF DERIVATIONS

1 Notes:
2 The following abbreviations are used in the Table—

Acts of Parliament

3 The Table does not show the effect of Transfer of...
4 The Table does not give details of the effect of...
5 “Sc Law Com Rec No.” followed by a number indicates...

SCHEDULE 19 — Local place plans

Preparation of local place plans

1 (1) A community body may prepare a local place plan....

Submission of local place plans

2 (1) A community body must comply with any prescribed requirements...

Register of local place plans

3 (1) Every planning authority must keep a register of local...

Map of local place plans

4 Every planning authority must make publicly available, in the manner...

Meaning of “community body”

5 In this schedule, “community body” means—
Changes to legislation:
Town and Country Planning (Scotland) Act 1997 is up to date with all changes known to be in force on or before 19 February 2020. 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.
View outstanding changes

Changes and effects yet to be applied to:
- s. 22 and cross-heading repealed by 2019 asp s. 9
- s. 4-14 repealed by 2019 asp s. 6
- s. 16(6) repealed by 2019 asp Sch. 2 para. 1(2)
- s. 18(1)(c) repealed by 2019 asp Sch. 2 para. 2(2)
- s. 18(4)(a)(ii) word substituted by 2019 asp Sch. 2 para. 3(2)
- s. 19(2) words repealed by 2019 asp Sch. 2 para. 2(3)
- s. 19A(10)(a) words repealed by 2019 asp Sch. 2 para. 2(4)
- s. 20B(1) words repealed by 2019 asp Sch. 2 para. 1(3)(a)
- s. 20B(2) words substituted by 2019 asp Sch. 2 para. 2(5)
- s. 20B(3) words repealed by 2019 asp Sch. 2 para. 1(3)(c)
- s. 20B(5)(c) words substituted by 2019 asp Sch. 2 para. 1(3)(d)
- s. 21(1) repealed by 2019 asp Sch. 2 para. 1(4)(a)
- s. 21(3) words substituted by 2019 asp Sch. 2 para. 1(4)(b)
- s. 21(4)(a) and word repealed by 2019 asp Sch. 2 para. 1(4)(c)
- s. 21(5) words substituted by 2019 asp Sch. 2 para. 1(4)(d)
- s. 21(6) words substituted by 2019 asp Sch. 2 para. 1(4)(e)
- s. 21(10)(b)(ii) words repealed by 2019 asp Sch. 2 para. 1(4)(f)
- s. 21(1)(a) and word repealed by 2019 asp Sch. 2 para. 1(5)
- s. 23(1)(b)(i) and word repealed by 2019 asp Sch. 2 para. 2(6)
- s. 23A(2) words repealed by 2019 asp Sch. 2 para. 1(6)(a)
- s. 23A(2) words repealed by 2019 asp Sch. 2 para. 1(6)(b)
- s. 23B(1)(a) words repealed by 2019 asp Sch. 2 para. 1(7)(a)(i)
- s. 23B(1)(a) words repealed by 2019 asp Sch. 2 para. 1(7)(a)(ii)
- s. 23B(1)(a) words repealed by 2019 asp Sch. 2 para. 2(7)
- s. 23B(2)(b) words repealed by 2019 asp Sch. 2 para. 1(7)(b)
- s. 23B(3) repealed by 2019 asp Sch. 2 para. 1(7)(c)
- s. 23B(4)(b) and word repealed by 2019 asp Sch. 2 para. 1(7)(d)
- s. 23B(5)(b) and word repealed by 2019 asp Sch. 2 para. 1(7)(e)
- s. 23C(a) and word repealed by 2019 asp Sch. 2 para. 1(8)
- s. 24(1)-(4) substituted by 2019 asp s. 13 s. 13(2)
- s. 25(1) words substituted for s. 25(1)(a)(b) by 2019 asp s. 13 s. 13(3)(a)
- s. 25(2)(3) repealed by 2019 asp s. 13 s. 13(3)(b)
- s. 27(3) words inserted by 2019 asp Sch. 2 para. 5(2)(a)
- s. 27(3) words inserted by 2019 asp Sch. 2 para. 5(2)(b)
- s. 29(1)(c) word repealed by 2019 asp Sch. 2 para. 5(3)(a)
- s. 34(2)(d) words substituted by 2019 asp s. 37(2)
- s. 34(4)(c) repealed by 2019 asp s. 13 s. 21
- s. 35B(3) words inserted by 2019 asp s. 13 s. 18(3)
- s. 36(1)(c) word repealed by 2019 asp Sch. 2 para. 5(4)(a)
- s. 37(1)(a) words substituted by 2019 asp Sch. 2 para. 6(2)
- s. 39(1)(a)(i) word substituted by 2019 asp s. 22(2)(a)
- s. 39(1)(b)(i) word substituted by 2019 asp s. 22(2)(b)
- s. 39(1)(c)(i) word substituted by 2019 asp s. 22(2)(c)
- s. 39(1)(d)(i) word substituted by 2019 asp s. 22(2)(d)
- s. 39(1)(e)(i) word substituted by 2019 asp s. 22(2)(e)
- s. 39(2A) word substituted by 2019 asp Sch. 2 para. 7(2)(a)
- s. 39(2A)(a) word substituted by 2019 asp Sch. 2 para. 7(2)(b)
- s. 39(2A)(c) word substituted by 2019 asp Sch. 2 para. 7(2)(c)
– Sch. 5 para. 4(1)(a) repealed by 2019 asp 13 s. 16(4)(f)(i)
– Sch. 5 para. 11(1)(a) substituted by 2019 asp 13 s. 16(4)(l)(i)
– Sch. 5 para. 2 words repealed by 2019 asp 13 s. 16(4)(a)(i)
– Sch. 5 para. 2(b) words repealed by 2019 asp 13 s. 16(4)(a)(ii)
– Sch. 5 para. 3(1) words repealed by 2019 asp 13 s. 16(4)(c)
– Sch. 5 para. 4(1) words repealed by 2019 asp 13 s. 16(4)(f)(iii)
– Sch. 5 para. 4(1) words repealed by 2019 asp 13 s. 16(4)(f)(iv)
– Sch. 5 para. 5(1) words repealed by 2019 asp 13 s. 16(4)(h)
– Sch. 5 para. 5(3)(a) words repealed by 2019 asp 13 s. 16(4)(i)
– Sch. 5 para. 5(3)(b) words substituted by 2019 asp 13 s. 16(4)(d)(ii)
– Sch. 5 para. 4(1)(b) words substituted by 2019 asp 13 s. 16(4)(f)(ii)
– Sch. 5 para. 2 cross-heading substituted by 2019 asp 13 s. 16(4)(b)
– Sch. 5 para. 3 cross-heading substituted by 2019 asp 13 s. 16(4)(e)
– Sch. 14 para. 1 repealed by 2019 asp 13 Sch. 2 para. 1(14)(a)
– Sch. 14 para. 2(1)(a) words substituted by 2019 asp 13 Sch. 2 para. 1(14)(b)(i)
– Sch. 18 Pt. 1 word substituted by 2019 asp 13 Sch. 2 para. 8(5)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
– Act applied by S.S.I. 2008/189 art. 53(3)
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
– Pt. 11A inserted by 2006 asp 17 s. 29
– Pt. 12A inserted by 2006 asp 17 s. 30
– Pt. 12A inserted by 2019 asp 13 s. 46(2)
– s. 1A inserted by 2019 asp 13 s. 50(2)
– s. 3CC inserted by 2019 asp 13 s. 12(2)
– s. 3CD inserted by 2019 asp 13 s. 4(2)
– s. 16E inserted by 2019 asp 13 s. 8(2)
– s. 20AA inserted by 2019 asp 13 s. 12(3)
– s. 20AA(4)(a)(iii) inserted by 2019 asp 13 s. 14(6)
– s. 26B inserted by 2019 asp 13 s. 17(2)
– s. 29(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(3)(b)
– s. 34(2A) inserted by 2019 asp 13 s. 23(2)
– s. 36(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(4)(b)
– s. 36(5)(6) inserted by 2019 asp 13 s. 36(2)
– s. 37(2A) inserted by 2019 asp 13 s. 30(2)
– s. 39A inserted by 2019 asp 13 s. 38(2)
– s. 40A inserted by 2019 asp 13 s. 19(2)
– s. 41(1)(c) inserted by 2019 asp 13 s. 32(2)
– s. 43A-43AD substituted for s. 43A by 2019 asp 13 s. 28(2)
– s. 47(2)(aa) inserted by 2019 asp 13 s. 28(3)(a)
– s. 47(2A) inserted by 2019 asp 13 s. 28(3)(b)
– s. 47(6) inserted by 2019 asp 13 s. 31(2)(c)
– s. 54A-54F and cross-heading inserted by 2019 asp 13 s. 15(2)
– s. 58(4)(fa) inserted by 2019 asp 13 Sch. 2 para. 5(5)(b)
– s. 59(2A)-(2D) substituted for s. 59(2)-(8) by 2019 asp 13 s. 32(4)
– s. 60(2A) substituted for s. 60(2) by 2019 asp 13 s. 32(5)
– s. 61(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(6)(b)
– s. 61(3A)(3B) inserted by 2019 asp 13 s. 33(2)
– s. 62A inserted by 2019 asp 13 s. 33(4)
| s. 75(1A) inserted by 2019 asp 13 s. 34(2)(b) |
| s. 75(3)(aa) inserted by 2019 asp 13 s. 34(2)(d)(i) |
| s. 75(4A) inserted by 2019 asp 13 s. 35(2) |
| s. 75(13) inserted by 2019 asp 13 s. 34(2)(f) |
| s. 75A(4A)-(4C) inserted by 2019 asp 13 s. 37(4)(e) |
| s. 75A(5)(a) words in s. 75A(5) renumbered as s. 75A(5)(a) by 2019 asp 13 s. 37(4) (f)(i) |
| s. 75A(5)(b) and word inserted by 2019 asp 13 s. 37(4)(f)(ii) |
| s. 75A(5A) inserted by 2019 asp 13 s. 35(3) |
| s. 75A(9)(ba) inserted by 2019 asp 13 s. 37(4)(i)(ii) |
| s. 75B(4A)-(4C) inserted by 2019 asp 13 s. 37(5)(b) |
| s. 75B(5)(a) words in s. 75B(5) renumbered as s. 75B(5)(a) by 2019 asp 13 s. 37(5)(c)(i) |
| s. 75B(5)(b) and word inserted by 2019 asp 13 s. 37(5)(c)(ii) |
| s. 77A inserted by 2019 asp 13 s. 39(2) |
| s. 135(4A) inserted by 2019 asp 13 s. 43(2)(c) |
| s. 154(1)(c) and word inserted by 2019 asp 13 s. 28(4)(a)(ii) |
| s. 154(1A) inserted by 2019 asp 13 s. 28(4)(b) |
| s. 158A(1A) inserted by 2019 asp 13 s. 44(2) |
| s. 158B-158F and cross-heading inserted by 2019 asp 13 s. 43(3) |
| s. 183(1)(c) inserted by 2019 asp 13 Sch. 2 para. 5(7)(b) |
| s. 237(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(8) |
| s. 237(1)(za) inserted by 2019 asp 13 s. 13(4) |
| s. 238(A1) inserted by 2019 asp 13 s. 13(5)(a) |
| s. 238(3)(a)-(c) inserted by 2019 asp 13 Sch. 2 para. 5(9)(a)(ii) |
| s. 238(5)(aa)(i) words in s. 285(5)(aa) renumbered as s. 285(5)(aa)(i) by 2019 asp 13 s. 13(5)(c)(i) |
| s. 238(5)(aa)(ii) and word inserted by 2019 asp 13 s. 13(5)(c)(ii) |
| s. 238(5)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(9)(b) |
| s. 238(5)(za) inserted by 2019 asp 13 s. 13(5)(b) |
| s. 238(7) inserted by 2019 asp 13 Sch. 2 para. 5(9)(c) |
| s. 268A and cross-heading inserted by 2019 asp 13 s. 40(2) |
| Sch. 1 para. 66A substituted for Sch. 1 para. 6 by 2019 asp 13 Sch. 2 para. 4(5) |
| Sch. 5A inserted by 2019 asp 13 s. 15(3) |
| Sch. 14 para. 2(1A) inserted by 2019 asp 13 Sch. 2 para. 1(14)(b)(ii) |