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STATUTORY INSTRUMENTS

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**1992 No. 1937 (C.66) (S.197)**

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Planning and Compensation Act 1991 (Commencement No. 12 and Transitional Provisions) (Scotland) Order 1992**

*Made - - - - 4th August 1992*

The Secretary of State, in exercise of the powers conferred on him by section 84(2) and (3) of the Planning and Compensation Act 1991((1)) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation**

1. This Order may be cited as the Planning and Compensation Act 1991 (Commencement No. 12 and Transitional Provisions) (Scotland) Order 1992.

**Interpretation**

2. In this Order—

“the 1972 Act” means the Town and Country Planning (Scotland) Act 1972((2));

“the 1991 Act” means the Planning and Compensation Act 1991.

**Provisions coming into force on 10th August 1992**

3. The following provisions of the 1991 Act shall come into force on 10th August 1992:—

Section 34, in so far as it inserts into the 1972 Act a definition of a breach of condition notice;

Section 42, for the purpose of enabling the Secretary of State to make regulations or a development order under section 90B of the 1972 Act;

Section 45;

Section 55;

Section 61, in so far as it relates to the provisions of Schedule 13 hereinafter referred to in this article; and

Schedule 13, in so far as it relates to paragraph 22, and to paragraph 40(1)(a) in so far as it is not already in force.

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(1) 1991 c. 34.  
(2) 1972 c. 52.

### **Provisions coming into force on 25th September 1992**

4. Subject to article 5 below, the following provisions of the 1991 Act shall, in so far as they are not already in force, come into force on 25th September 1992:—

Section 34;

Section 36;

Section 42;

Section 61 in so far as it relates to the provisions of Schedule 13 hereinafter referred to in this article;

Section 84(6) in so far as it gives effect to the repeals in Part IV of Schedule 19 specified in the Schedule to this Order; and

Schedule 13 in so far as it relates to paragraphs 1, 17, 18, 20, 25, 26, 31 to 34, 37, 40(1)(d), 43, 46 and 47.

### **Transitional provisions**

5. No provision of the 1991 Act brought into force by article 4 above shall have effect in relation to—

- (a) any determination made before 25th September 1992 under section 51 of the 1972 Act as to whether planning permission is required, or any application made before that day for such a determination and any determination following on such an application, including a determination made on appeal;
- (b) any established use certificate granted before 25th September 1992 under section 90 or section 91 of the 1972 Act, or any application for such a certificate made before that day and any certificate following on such an application.

St. Andrew's House,  
Edinburgh  
4th August 1992

*Fraser of Carmyllie*  
Minister of State, Scottish Office

SCHEDULE

Article 4

Repeals in Part IV of Schedule 19 coming into force on 25th September 1992

Chapter	Short Title	Extent of Repeal
<a href="#">1972 c. 52</a>	Town and Country Planning (Scotland) Act 1972	Section 51.  Section 91(3) and (5).  In section 201(5), the definition of “lawful access”.  Section 214(3).  Section 234.  In section 275(1), the definition of “established use certificate”.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Article 3 of this Order brings into force on 10th August 1992 the following provisions of the Planning and Compensation Act 1991 insofar as they enable the Secretary of State to make development orders or regulations in relation to Scotland:—

section 34	(definition of a breach of condition notice)
section 42	(procedure for certificate of lawful use or development)

Article 3 also brings into force for all purposes on that date the following provisions of that Act, which apply to Scotland:—

section 45	(fish farming)
section 55	(control over advertisements)
section 61 and Schedule 13 paragraph 22	(register of breach of condition notices)

Article 4 brings into force on 25th September 1992 the following provisions of that Act which apply to Scotland, insofar as they are not already in force:—

section 34	(enforcement of conditions)
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section 36	(time limits on enforcement action)
section 42	(certificates of lawful use or development)
section 61 and Schedule 13 paragraph 18	(penalty for damage to listed buildings)
section 61 and Schedule 13 various other paragraphs	so far as they relate to minor and consequential amendments

Article 5 is a transitional provision which preserves the effect of existing determinations as to the need for planning permission under section 51 of the Town and Country Planning (Scotland) Act 1972, of established use certificates granted under sections 90 and 91 of that Act, and of outstanding applications for such determinations and certificates.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Planning and Compensation Act 1991 have been brought into force by commencement orders made before the date of this Order:

Provision	Date of commencement	S.I. No.
s.1 (England and Wales)	2 January 1992	1991/2905
s.2 (England and Wales)	27 July 1992	1992/1276
s.3 (partially)(England and Wales)	25 November 1991	1991/2728
s.3 (so far as not yet in force) (England and Wales)	2 January 1992	1991/2905
s.4 (partially)(England and Wales)	2 January 1992	1991/2905
s.4 (so far as not yet in force) (England and Wales)	27 July 1992	1992/1276
s.5 (partially)(England and Wales)	25 November 1991	1991/2728
s.5 (so far as not yet in force) (England and Wales)	2 January 1992	1991/2905
s.6(5) (partially)(England and Wales)	25 November 1991	1991/2728
s.6(6) (England and Wales)	13 October 1991	1991/2272
s.6 (so far as not yet in force) (England and Wales)	2 January 1992	1991/2905
ss. 7, 8 and 9 (England and Wales)	2 January 1992	1991/2905
s.10 (partially)(England and Wales)	25 November 1991	1991/2728
s.10 (so far as not yet in force) (England and Wales)	27 July 1992	1992/1276

Provision	Date of commencement	S.I. No.
s.11 (England and Wales)	2 January 1992	<a href="#">1991/2905</a>
s.12(1) (partially)(England and Wales)	25 October 1991	<a href="#">1991/2272</a>
s.12(1) (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.12(2), (3) (England and Wales)	25 October 1991	<a href="#">1991/2272</a>
s.13(1) (England and Wales)	27 July 1992	<a href="#">1992/1279</a>
s.13(2) (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.13(2) (so far as not yet in force)(England and Wales)	27 July 1992	<a href="#">1992/1279</a>
s.13(3) (England and Wales)	27 July 1992	<a href="#">1992/1279</a>
s.14 (England and Wales)	2 January 1992	<a href="#">1991/2905</a>
s.15 (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
s.16 (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.16 (so far as not yet in force) (England and Wales)	17 July 1992	<a href="#">1992/1491</a>
ss.17 and 18 (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
s.19 (partially)(England and Wales)	25 November 1991	<a href="#">991/2728</a>
s.19 (partially)(England and Wales)	2 January 1992	<a href="#">1991/2905</a>
s.19 (so far as not yet in force) (England and Wales)	6 April 1992	<a href="#">1992/665</a>
s.20 (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.20 (so far as not yet in force) (England and Wales)	17 July 1992	<a href="#">1992/1491</a>
ss.21 and 22 (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
s.23(7) (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.23 (so far as not yet in force) (England and Wales)	2 January 1992	<a href="#">1991/2905</a>
s.24 (England and Wales)	6 April 1992	<a href="#">1992/665</a>
s.25 (partially)(England and Wales)	25 September 1991	<a href="#">1991/2067</a>

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Provision	Date of commencement	S.I. No.
s.25 (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.25 (so far as not yet in force) (England and Wales)	2 January 1992	<a href="#">1991/2905</a>
s.26 (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
s.27 (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.27 (so far as not yet in force) (England and Wales)	10 February 1992	<a href="#">1991/2905</a>
s.28 (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.29 (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
s.30 (partially)(England and Wales)	2 January 1992	<a href="#">1991/2728</a>
s.31 (so far as not yet in force) (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
s.32 (partially)(England and Wales)	25 September 1991	<a href="#">1991/2067</a>
s.32 (partially)(England and Wales)	25 October 1991	<a href="#">1991/2272</a>
s.32 (partially)(England and Wales)	25 November 1991	<a href="#">1991/2728</a>
s.32 (partially)(England and Wales)	2 January 1992	<a href="#">1991/2905</a>
s.32 (partially)(England and Wales)	10 February 1992	<a href="#">1991/2905</a>
s.32 (partially)(England and Wales)	6 April 1992	<a href="#">1992/665</a>
s.32 (partially)(England and Wales)	17 July 1992	<a href="#">1992/1491</a>
s.32 (partially)(England and Wales)	27 July 1992	<a href="#">1992/1279</a>
s.32 (partially)(England and Wales)	27 July 1992	<a href="#">1992/1276</a>
s.33 (Scotland)	26 March 1992	<a href="#">1992/334</a>
s.35 (Scotland)	26 March 1992	<a href="#">1992/334</a>
s.36 (partially)(Scotland)	26 March 1992	<a href="#">1992/334</a>
s.37 (partially)(Scotland)	24 February 1992	<a href="#">1992/334</a>
s.37 (so far as not yet in force) (Scotland)	26 March 1992	<a href="#">1992/334</a>

Provision	Date of commencement	S.I. No.
ss.38 to 41 (Scotland)	26 March 1992	1992/334
s.43 (Scotland)	26 March 1992	1992/334
ss.47 and 48 (Scotland)	25 September 1991	1991/2092
s.49 (Scotland)	24 January 1992	1992/71
s.50 (Scotland)	25 September 1991	1991/2092
s.51 (Scotland)	24 January 1992	1992/71
s.52 (Scotland)	24 January 1992	1992/71
s.53 (Scotland)	24 January 1992	1992/71
s.54 (Scotland)	26 March 1992	1992/334
s.56 (Scotland)	26 March 1992	1992/334
s.57 (partially)(Scotland)	25 September 1991	1991/2092
s.57 (partially)(Scotland)	26 March 1992	1992/334
s.60 (so far as not already in force)(Scotland)	25 September 1991	1991/2092
s.61 (partially)(Scotland)	25 September 1991	1991/2092
s.61 (partially)(Scotland)	13 October 1991	1991/2272
s.61 (partially)(Scotland)	26 March 1992	1992/334
ss.62 to 69 (England and Wales)	25 September 1991	1991/2067
s.70 (partially)(England and Wales)	25 September 1991	1991/2067
s.70 (so far as not yet in force) (England and Wales)	2 January 1992	1991/2728
ss.71 to 79 (Scotland)	25 September 1991	1991/2092
s.80 (partially)(England and Wales)	25 September 1991	1991/2067
s.80 (partially)(Scotland)	25 September 1991	1991/2092
s.80 (so far as not yet in force in England and Wales)	2 January 1992	1991/2728
s.81 (England and Wales)	25 September 1991	1991/2067
s.82 (Scotland)	26 March 1992	1992/334
s.83 (England, Wales, Scotland and Northern Ireland)	25 October 1991	1991/2272
s.84(6) (partially)(England and Wales)	25 September 1991	1991/2067
s.84(6) (partially)(Scotland)	25 September 1991	1991/2092

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s.84(6) (partially)(England and Wales)	2 January 1992	1991/2905
s.84(6) (partially)(England and Wales)	10 February 1992	1991/2905
s.84 (6) (partially)(England and Wales)	6 April 1992	1992/665
s.84(6) (partially)(Scotland)	26 March 1992	1992/334
s.84(6) (partially)(England and Wales)	17 July 1992	1992/1491
s.84(6) (partially)(England and Wales)	27 July 1992	1992/1276
Schedules 1 and 2 (England and Wales)	25 September 1991	1991/2067
Schedule 3 (partially)(England and Wales)	25 September 1991	1991/2067
Schedules 3 to 5 (partially) (England and Wales)	25 November 1991	1991/2728
Schedule 3 (so far as not yet in force)(England and Wales)	2 January 1992	1991/2905
Schedule 4 (partially)(England and Wales)	25 November 1991	1991/2728
Schedule 4 (so far as not yet in force)(England and Wales)	10 February 1992	1991/2905
Schedule 5 (partially)(England and Wales)	25 November 1991	1991/2728
Schedule 6 (so far as not yet in force)(England and Wales)	25 September 1991	1991/2067
Schedule 7 (partially)(England and Wales)	25 September 1991	1991/2067
Schedule 7 (partially)(England and Wales)	25 October 1991	1991/2272
Schedule 7 (partially)(England and Wales)	25 November 1991	1991/2728
Schedule 7 (partially)(England and Wales)	2 January 1992	1991/2905
Schedule 7 (partially)(England and Wales)	10 February 1992	1991/2905
Schedule 7 (partially)(England and Wales)	6 April 1992	1992/665
Schedule 8 (Scotland)	24 January 1992	1992/71
Schedule 9 (Scotland)	24 January 1992	1992/71



Provision	Date of commencement	S.I. No.
Schedule 10 (partially) (Scotland)	25 September 1991	<a href="#">1991/2092</a>
Schedule 10 (partially) (Scotland)	26 March 1992	<a href="#">1992/334</a>
Schedule 12 (Scotland)	25 September 1991	<a href="#">1991/2092</a>
Schedule 13 (partially) (Scotland)	25 September 1991	<a href="#">1991/2092</a>
Schedule 13 (partially) (Scotland)	13 October 1991	<a href="#">1991/2272</a>
Schedule 13 (partially) (Scotland)	26 March 1992	<a href="#">1992/334</a>
Schedule 14 (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
Schedule 15 (partially) (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
Schedule 15 (so far as not yet in force)(England and Wales)	2 January 1992	<a href="#">1991/2728</a>
Schedules 16 and 17 (Scotland)	25 September 1991	<a href="#">1991/2092</a>
Schedule 18 (partially) (England and Wales)	25 September 1991	<a href="#">1991/2067</a>
Schedule 18 (partially) (Scotland)	25 September 1991	<a href="#">1991/2092</a>
Schedule 18 (so far as not yet in force)(England and Wales)	2 January 1992	<a href="#">1991/2728</a>
Schedule 19 (partially) (England, Wales and Scotland)	25 September 1991	<a href="#">1991/2067</a>
Schedule 19 (partially) (Scotland)	25 September 1991	<a href="#">1991/2092</a>
Schedule 19 (partially) (England and Wales)	2 January 1992	<a href="#">1991/2905</a>
Schedule 19 (partially) (England and Wales)	10 February 1992	<a href="#">1991/2905</a>
Schedule 19 (partially) (Scotland)	26 March 1992	<a href="#">1992/334</a>
Schedule 19 (partially) (England and Wales)	6 April 1992	<a href="#">1992/665</a>
Schedule 19 (partially) (England and Wales)	17 July 1992	<a href="#">1992/1491</a>
Schedule 19 (partially) (England and Wales)	27 July 1992	<a href="#">1992/1276</a>

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