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STATUTORY INSTRUMENTS

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**1993 No. 273 (C.6) (S.21)**

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Housing and Planning Act 1986 (Commencement No. 18 and Transitional Provisions) (Scotland) Order 1993**

*Made - - - - 15th February 1993*

The Secretary of State, in exercise of the powers conferred on him by section 57(2) of the Housing and Planning Act 1986(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and extent**

1.—(1) This Order may be cited as the Housing and Planning Act 1986 (Commencement No. 18 and Transitional Provisions) (Scotland) Order 1993.

(2) This Order extends only to Scotland.

**Interpretation**

2. In this Order—

“the 1986 Act” means the Housing and Planning Act 1986;

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

**Provisions coming into force with limited effect on 18th February 1993**

3. So much of sections 35, 36 and 38 of the 1986 Act as confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, shall, for the purpose only of enabling or requiring the Secretary of State to make such regulations, come into force on 18th February 1993.

**Provisions coming into force on 18th February 1993**

4. Section 37 insofar as it relates to paragraph 4 of Schedule 7, Part II to the 1986 Act shall come into force on 18th February 1993.

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(1) 1986 c. 63.  
(2) 1972 c. 52.

### **Provisions coming into force on 1st May 1993**

5.—(1) The provisions of sections 35, 36 and 38 of the 1986 Act, insofar as not brought into force by article 3, shall come into force on 1st May 1993.

(2) Section 37 insofar as it relates to paragraphs 1 to 3 and 5 to 8 of Schedule 7, Part II to the 1986 Act shall come into force on 1st May 1993.

### **Transitional provisions**

6.—(1) No offence is committed under section 56L of the 1972 Act<sup>(3)</sup>, and no hazardous substances contravention notice may be issued, in respect of the presence of a hazardous substance without hazardous substances consent during the period of 28 days beginning with 1st May 1993.

(2) Where an application for hazardous substances consent under the 1972 Act is received by the planning authority within the 28 day period mentioned in paragraph (1), no offence is committed under section 56L, and no hazardous substances contravention notice may be issued, in respect of a hazardous substance included in the application and present on, over or under the land to which the application relates, during the period beginning with the date on which the application is so received and ending on the determination of the application, or 8 weeks after the application is so received, whichever is the earlier.

(3) This article is without prejudice to the transitional exemption in section 38 of the 1986 Act.

St Andrew's House,  
Edinburgh  
15th February 1993

*Allan Stewart*  
Parliamentary Under Secretary of State, Scottish  
Office

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(3) Section 56L was inserted by section 35 of the Housing and Planning Act 1986 (c. 63).

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## EXPLANATORY NOTE

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

This Order brings into force sections 35 to 38 of and Schedule 7, Part II to the Housing and Planning Act 1986 (“the 1986 Act”) and applies only to Scotland.

Article 3 brings into force on 18th February 1993 sections 35, 36 and 38 of the 1986 Act insofar as they confer on the Secretary of State, or make provision concerning exercise of, a power or duty to make regulations.

Article 4 brings into force on 18th February 1993 Schedule 7, Part II paragraph 4 to the 1986 Act.

Article 5 brings into force on 1st May 1993 sections 35, 36 and 38 for all other purposes as well as the remainder of Schedule 7, Part II to the 1986 Act.

Article 6 details transitional provisions relating to offences under section 56L of the Town and Country Planning (Scotland) Act 1972.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Housing and Planning Act 1986 have been brought into force by commencement orders made before the date of this Order:

Provision	Date of Commencement	S.I. No.
sections 1 to 4	7th January 1987	<a href="#">1986/2262</a>
sections 10 to 14		
sections 16 and 17		
sections 19 and 20		
sections 22 and 23		
section 24 (partially)		
sections 27 to 29		
sections 44 to 48		
section 49 (partially)		
section 53 (partially)		
sections 54 and 55		
section 49 (partially)	2nd March 1987	<a href="#">1987/304</a>
section 40	1st April 1987	<a href="#">1987/348</a>
section 49(2) (partially)		
section 9	13th May 1987	<a href="#">1987/754</a>
section 24(1) (partially)	22nd September 1987	<a href="#">1987/1554</a>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provision	Date of Commencement	S.I. No.
section 26	1st October 1987	<a href="#">1987/1607</a>
sections 50 and 51		
section 25	2nd November 1987	<a href="#">1987/1759</a>
section 41		
section 49(1) (partially)		
section 49(2) (partially)		
section 18 (partially)	11th December 1987	<a href="#">1987/1939</a>
section 24(3) (partially)		
section 39		
section 15	17th February 1988	<a href="#">1987/2277</a>
section 24(1) (partially)		
section 6	11th March 1988	<a href="#">1988/283</a>
section 42	17th November 1988	<a href="#">1988/1787</a>
section 49(2) (partially)		
section 8	5th April 1989	<a href="#">1989/430</a>
paragraphs 39 and 40 of Schedule 11	31st March 1990	<a href="#">1990/511</a>
section 43	31st March 1990	<a href="#">1990/614</a>
section 49(2) (partially)		
section 53(1) (partially)	31st March 1990	<a href="#">1990/797</a>
section 5	13th July 1992	<a href="#">1992/1753</a>
section 24(2) (partially)	17th August 1992	<a href="#">1992/1753</a>