

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 6 – Correction of Errors

Section 29 – Correction of errors

172. This section inserts a new Part 11A into the 1997 Act. The new Part gives the Scottish Ministers or a person appointed by them power, subject to various conditions, to correct specified types of errors contained in decision letters.

Section 241A: Correction of errors in decisions

173. This section applies if the Scottish Ministers or an appointed person issues a decision document which contains a correctable error. It sets out the circumstances in which an error can be corrected. The Scottish Ministers or an appointed person may correct the error when requested to do so in writing, or where they have written to the applicant explaining that they are considering making a correction and received written consent, if necessary.

Section 241B: Correction notice

174. Section 241B provides that the exercise of the power of correction will be by written notice (a "correction notice") which will either specify the correction which has been made or give notice that the power to correct the decision has not been used. The section also specifies on whom the correction notice or decision not to correct must be served.

Section 241C: Effect of correction

175. Section 241C sets out the status of decisions which have been corrected and of decisions where it has been decided not to make a correction. Where a correction to the original decision is made, the original decision will be treated as though it had never been made. The corrected decision will be treated as having been made on the date the relevant correction is made and the statutory period for challenging the corrected decision will start to run from that date. Any person wishing to challenge the decision is therefore not prejudiced by the time taken to correct the decision. Where a decision not to correct has been made, the original decision will stand and the statutory period for challenge will be unaffected.

Section 241D: Provisions supplementary to section 241A to 241C

176. This section makes supplementary provisions to the sections of the new Part 11A of the 1997 Act, including definitions of a decision document, a correctable error and the applicant.