

PLANNING (SCOTLAND) ACT 2019

EXPLANATORY NOTES

OVERVIEW OF THE ACT

PART 4 – OTHER MATTERS

Training for taking planning decisions

Section 45: Power to impose training requirements: planning authorities

237. Section 45(1) of the Act provides that where a member of a planning authority has not undertaken the required training, as specified in regulations, they may not perform any function that is specified in the regulations on the planning authority's behalf, either on their own or as a member of a committee or any other decision making body (such as a local review body).
238. Section 45(2)(a) provides that specification of training requirements and the functions to which the prohibition applies will be set out by the Scottish Ministers in regulations. Paragraph (b) clarifies that 'planning authority' means either a local authority or a National Park authority, and paragraph (c) sets out what a "member of a planning authority" means in relation to a National Park authority.
239. Section 45(3) restricts the functions that may be specified in regulations to those conferred by the planning Acts.
240. Section 45(4) provides that any regulations made under this section can specify that training requirements may mean attendance on a training course, and that the Scottish Ministers may specify that the content and provider of the training must be accredited by them.
241. Section 45(5) makes provision that regulations may disapply the requirement for training in relation to either a particular planning authority or all authorities.