



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 5 **S**

#### INFRASTRUCTURE LEVY

PROSPECTIVE

#### 54 Power to provide for levy **S**

- (1) The Scottish Ministers may by regulations establish, and make provision about, an infrastructure levy.
- (2) An infrastructure levy (within the meaning of this Act) is a levy—
  - (a) payable to a local authority,
  - (b) in respect of development wholly or partly within the authority's area,
  - (c) the income from which is to be used by local authorities to fund, or contribute towards funding, infrastructure projects.
- (3) Schedule 1 elaborates on the regulation-making power conferred by this section.

PROSPECTIVE

#### 55 Guidance **S**

- (1) The Scottish Ministers may issue guidance to local authorities dealing with—
  - (a) how they are to discharge the infrastructure-levy functions conferred on them by regulations under section 54, and
  - (b) how infrastructure-levy income should be spent.
- (2) Local authorities must have regard to any guidance under subsection (1) that is addressed to them.
- (3) Guidance under subsection (1) may be addressed to—
  - (a) an authority, or more than one authority, identified in the guidance, or

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** Planning (Scotland) Act 2019, PART 5 is up to date with all changes known to be in force on or before 14 September 2023. 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. (See end of Document for details) View outstanding changes

(b) all authorities.

- (4) The Scottish Ministers must make guidance issued under subsection (1) publicly available.
- (5) The power under subsection (1) to issue guidance includes the power to—
- (a) issue guidance that varies guidance issued under that subsection, and
  - (b) revoke guidance issued under that subsection.
- (6) In subsection (1)(b), “infrastructure-levy income” includes monies collected as financial penalties imposed by virtue of paragraph 9 of schedule 1.

PROSPECTIVE

## 56 Interpretation of Part and schedule **S**

In this Part and schedule 1—

“development” has the meaning given by section 26 of the Town and Country Planning (Scotland) Act 1997,

“infrastructure” includes—

- (a) communications, transport, drainage, sewerage and flood-defence systems,
- (b) systems for the supply of water and energy,
- (c) green and blue infrastructure,
- (d) educational and medical facilities, and
- (e) facilities and other places for recreation,

“green and blue infrastructure” means features of the natural and built environments (including water) that provide a range of ecosystem and social benefits,

“infrastructure project” means a project to provide, maintain, improve or replace infrastructure.

PROSPECTIVE

## 57 Power to change meaning of “infrastructure” **S**

The Scottish Ministers may by regulations modify section 56 so as to change, or clarify, the meaning of “infrastructure” for the purposes of this Part and schedule 1.

## 58 Lapsing of power to provide for levy **S**

- (1) The regulation-making power conferred by section 54 ceases to be exercisable if no regulations have been made under it within the period of 7 years beginning with [F125 July 2019].
- (2) If, by virtue of subsection (1), the regulation-making power conferred by section 54 ceases to be exercisable, the Scottish Ministers may by regulations repeal—
- (a) this Part, and

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(b) schedule 1.

**Textual Amendments**

**F1** Words in s. 58(1) substituted (18.12.2019) by [The Planning \(Scotland\) Act \(Actual Dates\) Regulations 2019 \(S.S.I. 2019/410\)](#), regs. 1, 3(2)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)