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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 400 (C. 26)**

**TOWN AND COUNTRY PLANNING**

The Planning etc. (Scotland) Act 2006  
(Commencement No. 10) Order 2010

Made - - - - 11th November 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by section 59(2) of the Planning etc. (Scotland) Act 2006(1).

**Citation and interpretation**

1.—(1) This Order may be cited as the Planning etc. (Scotland) Act 2006 (Commencement No. 10) Order 2010.

(2) In this Order—

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997(2);

“the Act” means the Planning etc. (Scotland) Act 2006; and

“the Schedule” means the Schedule to this Order.

**Commencement – 26th November 2010**

2.—(1) The provisions of the Act specified in paragraph (2), to the extent not already in force, come into force on 26th November 2010 for all purposes.

(2) The provisions are—

(a) section 28(2)(c) (regulations relating to applications for consent under a tree preservation order); and

(b) section 50 (national scenic areas).

**Commencement – 1st February 2011**

3.—(1) Subject to paragraph (2), the provisions of the Act specified in column 1 of the Schedule (and the subject matter of which is described in column 2 of the Schedule), to the extent not already in force on 1st February 2011, come into force on that date for all purposes.

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(1) 2006 asp 17.  
(2) 1997 c.8.

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(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision that provision shall, to the extent not already in force on 1st February 2011, come into force on that date only for that purpose.

St Andrew's House,  
Edinburgh  
11th November 2010

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provisions of the Act</i>	<i>Subject Matter</i>	<i>Purpose</i>
Section 16(c)	Manner of dealing with applications	
Section 23	Planning obligations	
Section 24	Good neighbour agreements	
Section 28(1)(d), (2)(a) and (b) and (3) to (6)	Tree preservation orders	
Section 54(11)(b)(ii), (17)(a)(iv) and (b) and (18)(a) and (b)(i)	Further amendment of the principal Act	
Section 56 and the schedule	Repeals	For the purpose of the repeal of sections 163 and 252(2)(a) of the 1997 Act and the repeal of the word ‘other’ in section 252(2)(b) of the 1997 Act.

**EXPLANATORY NOTE**

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

To the extent they are not already in force, this Order brings sections 28(2)(c) and 50 of the Planning etc. (Scotland) Act 2006 (“the Act”) into force on 26th November 2010 for all purposes and sections 16(c), 23, 24, 28(1)(d), (2)(a) and (b) and (3) to (6), 54(11)(b)(ii), (17)(a)(iv) and (b) and (18)(a) and (b)(i) into force for all purposes on 1st February 2011. The Order also commences on 1st February 2011 the provisions of section 56 and the schedule to the Act to the extent that they repeal sections 163 and 252(2)(a) of the Town and Country Planning (Scotland) Act 1997 (c.8).

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 3, 33 to 49 and 54 (partially)	6th February 2007	S.S.I. 2007/49
Sections 57 and 58	6th February 2007	S.S.I. 2007/49
Section 16(a)	1st March 2007	S.S.I. 2007/130
Sections 1, 3(1)(a), (c), (d) and (e) and (4), 4, 12(a)(iii) and (iv), 18, 27, 28(1)(a), (b) and (c), 32, 33 to 49 (Part 9), 51, 54(1), (2), (11)(b)(i) and (iii), (16)(d) and (e) and (17)(a)(ii) and (iii) and 55(1) and (3)	1st April 2007	S.S.I. 2007/130
Sections 50, 54(17)(a)(i), 56 and the schedule (partially)	1st April 2007	S.S.I. 2007/130
Sections 2 and 54(16)(b)(i), (c) and (f) (partially)	19th May 2008	S.S.I. 2008/164
Section 55(2)	1st June 2008	S.S.I. 2008/191
Sections 2 and 54(17)(a)(i) (partially)	25th June 2008	S.S.I. 2008/164
Section 52(1)	12th December 2008	S.S.I. 2008/411
Parts 3 and 4 and section 54(17) (partially)	12th December 2008	S.S.I. 2008/411
Section 2, 53 and 54(11)(a), (12), (14), (15) and (16)(b)(i) and (f)	28th February 2009	S.S.I. 2009/70
Section 54(17)(a)(i) (partially)	28th February 2009	S.S.I. 2009/70
Sections 5, 11 and 54(19)	6th April 2009	S.S.I. 2009/100

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 17 and 54(17)(a)(i) (partially)	6th April 2009	S.S.I. 2009/100
Section 31	14th May 2009	S.S.I. 2009/179
Sections 6, 7(1) and (2), 8 to 10, 12 to 15, 16(b), 17, 19, 20(1) and (2), 21, 22, 25, 26 and 54(3) to (10), (13) and (17)(a)(i)	3rd August 2009	S.S.I. 2009/219
Section 56 and the schedule (partially)	3rd August 2009	S.S.I. 2009/219