

SCHEDULES

SCHEDULE 23

Section 184.

AMENDMENT OF ENACTMENTS RELATING TO PLANNING

The Ancient Monuments Act 1931

- 1 In Schedule 1 (preservation schemes), in paragraph 8, for the words " county or town council" there shall be substituted the words " general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973 ".

The Caravan Sites and Control of Development Act 1960

- 2 In section 32(1) (application of Part I to Scotland), the following amendments shall be made—
- (a) for paragraph (h)(iii) there shall be substituted the following—
 - “(h) (iii) in subsection (8), for the words from ' includes the' onwards there shall be substituted the words ' means a local authority within the meaning of the Local Government (Scotland) Act 1973 and a regional or district planning authority within the meaning of Part IX of that Act ”.
 - (b) in paragraph (k)(i), for the words from "in relation" to " county council" there shall be substituted the words " a general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973 ".

The Town and Country Planning (Scotland) Act 1947

- 3 In section 113(1) (interpretation), the following amendments shall be made—
- (a) in the definition of " local authority " for the words from "county" onwards there shall be substituted the words " regional, islands or district council ";
 - (b) in the definition of " planning authority", for the words " section 2 of this Act" there shall be substituted the words " section 172 of the Local Government (Scotland) Act 1973 ".

The Town and Country Planning (Scotland) Act 1959

- 4 In section 27 (powers of disposal of land), the following amendments shall be made—
- (a) for subsection (4) there shall be substituted the following subsection—
 - “(4) Subject to the provisions of this Act, section 74(2) of the Local Government (Scotland) Act 1973 (consideration for disposal of land) shall apply to any disposal of land by an authority to whom

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this Part of this Act applies in the exercise of a power in relation to which subsection (1) of this section has effect (not being a power under Part VI of the said Act of 1973) as it applies to the like disposal of land by a local authority in the exercise of any power under the said Part VI.”

- (b) in subsection (5)(c), for the words from " subsection" to " 1947 " there shall be substituted the words " section 75(1) of the Local Government (Scotland) Act 1973 ".

5 In Schedule 4 (Authorities to whom Part II applies), the following amendments shall be made—

- (a) in paragraph 1, for the word " 1947 " there shall be substituted the word " 1973 ";
- (b) in paragraph 2, for the word " 1947 ", where first occurring, there shall be substituted the word " 1973 ";
- (c) for paragraph 3 there shall be substituted the following paragraph—
- “3 A water authority within the meaning of the Local Government (Scotland) Act 1973.”;
- (d) for paragraph 4 there shall be substituted the following paragraph—
- “4 A river purification authority for the purposes of the Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965.”

The Civic Amenities Act 1967

6 In section 5(b) (application of sections 1 and 2 of Local Authorities (Historic Buildings) Act 1962 to Scotland), in the definition of " local authority", for the words from " local" onwards there shall be substituted the words " regional, islands or district council " and, in the definition of " planning authority", for the word " 1947 " there shall be substituted the word " 1972 ".

The New Towns (Scotland) Act 1968

7 In section 6(1) (planning control in new towns), for the words " local planning" there shall be substituted the words " district planning ".

8 In section 23(2)(i) (extinguishment of public rights of way), for the words " local planning " there shall be substituted the words " district planning " and after the word " situated " there shall be inserted the words " and on any other local authority who appear to him to be concerned ".

9 In section 35(2) (development corporations may transfer undertaking), for the words " county or burgh " there shall be substituted the words " region, islands area or district ".

10 In section 36(2)(a)(i) (winding up of development corporations), for the words " county or town council of the burgh " there shall be substituted the words " region, islands area or district ".

11 In section 41(2) (application of certain enactments), for the words " county council" there shall be substituted the words " regional or islands council concerned ".

12 In section 47(1) (interpretation), in the definition of " local authority ", for the words from " county " onwards there shall be substituted the words " regional, islands or district council ", in the definition of " local highway authority ", for the words

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from " a highway " onwards there shall be substituted the words " a regional council ", in the definition of " planning authority ", for the word " 1947 " there shall be substituted the word " 1972 " and at the appropriate place in alphabetical order there shall be inserted the following definitions—

“" regional planning authority " and " district planning authority " have the meanings assigned to them by Part IX of the Local Government (Scotland) Act 1973 ;”.

- 13 In Schedule 1 (procedure for designating site of new town), in paragraph 2, for the words " county or on the town council of the burgh " there shall be substituted the words " region, islands area or district ".

The Local Employment Act 1972

- 14 In section 8(5) (derelict land), for the words from " local" to " 1947 " there shall be substituted the words " regional, general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973 ".

The Town and Country Planning (Amendment) Act 1972

- 15 In Schedule 3 (control of demolition in conservation areas), the following amendments shall be made—
- (a) in paragraph 5, for the words from " county " onwards there shall be substituted the words " regional council ";
 - (b) in paragraph 9(3), for the word " notice " there shall be substituted the word " direction ".

The Town and Country Planning (Scotland) Act 1972

- 16 In section 13(1) (alteration of local plans), after the word " authority" there shall be inserted the words " shall keep under review any local plan adopted by them and ".
- 17 In section 15(1) (default powers of Secretary of State), the following amendments shall be made—
- (a) after the words " this Act" there shall be inserted the words " or of the provisions of Part IX of the Local Government (Scotland) Act 1973 ";
 - (b) after paragraph (b) there shall be inserted the words " the Secretary of State may direct the planning authority to carry out their functions in relation to the matters mentioned in this subsection and may specify in the direction the factors to be taken into account or objectives to be achieved by the planning authority in so doing, or ".
- 18 In section 43 (unopposed revocation or modification), the following amendments shall be made—
- (a) in subsection (1), the words from " and (b)" onwards shall cease to have effect;
 - (b) in subsection (3), the words from " and the notice " onwards shall cease to have effect.
- 19 In section 52(4) (lists of buildings of special interest), for the words from "any local" to "planning authority" there shall be substituted the words " any regional, general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973 ".

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- 20 In section 63(3) (maintenance of waste land), for the words " section 88" there shall be substituted the words " sections 85 and 88 " .
- 21 In section 102 (compulsory acquisition of land), the following amendments shall be made—
- (a) in subsection (3), for the words from " in a county " onwards there shall be substituted the words—
- “in a region, consult with the regional council;
- (b) where the land is in an islands area, consult with the islands council;
- (c) where the land is in a district, consult with the district council.”;
- (b) in subsection (5), for the words from " the councils " on wards there shall be substituted the words " regional, islands and district councils " .
- 22 In section 107 (minimum compensation), the following amendments shall be made—
- (a) in subsection (1), for the words from first" include " onwards there shall be substituted the words " make a direction for minimum compensation " ;
- (b) in subsection (3), the words " application for " shall cease to have effect;
- (c) in subsection (5), for the words from " include " to first " for " there shall be substituted the word " make " , and for the words from " application " to " refused " there shall be substituted the words " direction for minimum compensation be reversed " .
- 23 In section 109(1)(c) (acquisition of land by agreement), for the words "the Secretary of State" there shall be substituted the word " them " .
- 24 In section 111(3) (appropriation of land), for the words from the beginning to " 1947 " there shall be substituted the words " Section 73 of the Local Government (Scotland) Act 1973 " .
- 25 In section 115(3) (provisions as to features and buildings of architectural and historic interest), for the word " preservation" , in both places where it occurs, there shall be substituted the word " preserving " .
- 26 In section 153(1) (compensation where planning permission revoked or modified), the words from "(other" to "State)" shall cease to have effect.
- 27 In section 201(9) (extinguishment of right to use vehicles on highway), for the words " county councils and town " there shall be substituted the words " regional, islands and district " and after the words " planning authority " there shall be inserted the words " exercising district planning functions " .
- 28 In section 202(5) (amenity for highway reserved to pedestrians), for the words " county councils and town " there shall be substituted the words " regional, islands and district " and after the words " planning authority " there shall be inserted the words " exercising district planning functions " .
- 29 In section 243 (assistance for acquisition of property), for the words from " county " to " town " there shall be substituted the words " regional, islands or district " .
- 30 In section 250(3) (borrowing by local authorities), for the words " XII " and " 1947 " there shall be substituted respectively the words " VII " and " 1973 " .

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- 31 In section 260(6)(a) (default powers), for the words from "the council " to " burgh " there shall be substituted the words " a local authority " and for the word " council" there shall be substituted the word " authority ".
- 32 In section 275(1) (interpretation), the following amendments shall be made—
- (a) for the definition of " local authority " there shall be substituted the following definition—
“ local authority ' means a regional, islands or district council;”;
 - (b) in the definition of " planning authority", for the words " section 1 of this Act" there shall be substituted the words " section 172 of the Local Government (Scotland) Act 1973 ";
 - (c) there shall be inserted, at the appropriate place in alphabetical order, the following definition—
“ district planning functions ' has the meaning assigned to it by section 172 of the Local Government (Scotland) Act 1973;”.
- 33 In Schedule 10 (control of works on listed buildings), in paragraph 15, for the words " local authority " there shall be substituted the words " planning authority
- 34 In Schedule 18 (orders relating to footpaths etc.), in paragraph 1(2)(b)(ii), for the words " county or town council" there shall be substituted the words " local authority ".