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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 222**

**The Planning etc. (Scotland) Act 2006 (Development Management and Appeals) (Saving, Transitional and Consequential Provisions) Order 2009**

**Appeals**

**9.**—(1) Where notice of appeal is given to the Scottish Ministers under section 47(3) (appeals against planning decisions and failure to take such decisions), 130(2) (appeal against enforcement notice), 154(2) (appeal against refusal of certificate of lawful use or development), 169(2) (appeal against section 168 notice) or 180(2) (appeal against amenity notice) of the Act before 3rd August 2009—

- (a) the provisions of the Act specified in paragraph (2), as the case may be, shall continue to apply for the purposes of that appeal as those provisions had effect immediately before that date; and
- (b) section 47A(1) (matters which may be raised in an appeal under section 47(1)) of the Act shall not apply for the purposes of that appeal.

(2) The provisions are—

- (a) section 47 (appeals against planning decision and failure to take planning decision);
- (b) section 48 (determination of appeals);
- (c) section 130 (appeals against enforcement notice);
- (d) section 131 (appeals: supplementary provisions);
- (e) section 133 (grant or modification of planning permission on appeal against enforcement notice);
- (f) section 155 (further provision as to appeals);
- (g) section 169 (appeal against section 168 notice); and
- (h) Schedule 4 (determination of appeals by appointed person).