
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 154

The Town and Country Planning (Control of Advertisements) (Scotland) Amendment Regulations 2013

Amendment of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

2.—(1) Subject to regulation 3, the 1984 Regulations are amended in accordance with paragraphs (2) to (6).

(2) In regulation 14(5) (power to require the discontinuance of the display of advertisements displayed with deemed consent) omit from “; and” to the end.

(3) Omit regulation 20(3) (notification of planning authority’s decision).

(4) In regulation 21 (appeals to the Scottish Ministers)—

(a) for paragraph (1) substitute—

“(1) The provisions of sections 47 to 48 of the Act apply in relation to—

(a) a consent to display advertisements;

(b) an application for such consent; and

(c) an application for any consent, agreement or approval required by a condition imposed on the grant of such consent,

as they apply to planning permission, an application for planning permission or an application for any consent, agreement or approval required by a condition imposed on the grant of such permission subject to the modifications specified in paragraph (1A).

(1A) The modifications are—

(a) references to planning permission are to be treated as references to a consent to display advertisements; and

(b) section 47 of the Act applies as if subsections (1)(c), (2)(b) and (c) were omitted.”; and

(b) in paragraph (2) after “apply” insert “(other than to the extent to which it applies section 47A of the Act)”;

(c) omit paragraphs (3) to (7) and (9).

(5) In regulation 24(4) (enforcement of advertisement control) after “Subject to” insert “section 131(3) of the Act as applied by”.

(6) For regulation 25 (appeals to the Scottish Ministers) substitute—

“Enforcement Appeals to the Scottish Ministers

25.—(1) The provisions of sections 130 to 132 of the Act apply in relation to an enforcement notice served under regulation 24 as they apply to an enforcement notice issued under section 127 of the Act subject to the modifications specified in paragraph (2).

(2) The modifications are—

- (a) references to an enforcement notice are to be treated as references to an enforcement notice served under regulation 24;
- (b) section 130(1) of the Act applies as if the grounds of appeal were—
 - (i) that the matters alleged in the notice do not constitute a display of an advertisement without a consent required by these regulations or a failure to comply with any condition or limitation subject to which any such consent was granted or deemed to be granted;
 - (ii) that the enforcement notice was not served as required by regulation 24;
 - (iii) that the specified period for compliance with the notice falls short of what should reasonably be allowed;
 - (iv) that the steps required by the notice to be taken exceed what is necessary for the purpose identified under regulation 24(3); and
- (c) the reference in section 132(4) of the Act to section 127(2) is treated as a reference to regulation 24 of these Regulations.”.