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## EXPLANATORY NOTE

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

These Regulations make amendments to the definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) of the Town and Country Planning (Scotland) Act 1997 (“the Act”), as it has effect by virtue of paragraphs 8 to 10 of schedule 7 of the Coronavirus (Scotland) Act 2020, and in section 16(6) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the Listed Buildings Act”). These Regulations also make amendments to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021.

Regulations 2 and 3 amend the definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) of the Act and in section 16(6) of the Listed Buildings Act

As currently defined by sections 58(3C) and 59(8C) of the Act, as amended by [S.S.I. 2020/254](#) and [S.S.I. 2021/100](#), the “emergency period” began on 7 April 2020 and would end on 30 September 2021 and the “extended period” began on 7 April 2020 and would end on 31 March 2022. As amended by these Regulations the “emergency period” is the period which began on 7 April 2020 and will end at the end of 31 March 2022 and the “extended period” is the period which began on 7 April 2020 and will end at the end of 30 September 2022.

As currently defined by section 16(6) of the Listed Buildings Act, as amended by [S.S.I. 2020/254](#) and [S.S.I. 2021/100](#), the “emergency period” began on 27 May 2020 and would end on 30 September 2021 and the “extended period” began on 27 May 2020 and would end on 31 March 2022. As amended by these Regulations the “emergency period” is the period which began on 27 May 2020 and will end at the end of 31 March 2022 and the “extended period” is the period which began on 27 May 2020 and will end at the end of 30 September 2022.

Regulation 4 makes saving provisions in respect of planning permissions granted before the expiry of the emergency period. The provisions of sections 58 and 59 of the Act, as they had effect immediately before the expiry of the emergency period continue to have effect, with modifications, in relation to the duration of planning permissions granted before the expiry of the emergency period. The modifications are that the powers to make regulations to further amend the definitions of “emergency period” and “extended period” will not continue to have effect after the expiry of the Coronavirus (Scotland) Act 2020 at the end of 31 March 2022.

Regulation 5 makes equivalent saving provisions in respect of listed building consents granted before the expiry of the emergency period. The provisions of section 16 of the Listed Buildings Act continue to have effect as immediately before the expiry of the Coronavirus (Scotland) Act (No. 2) 2020, with modifications in relation to the duration of listed building consent granted before the expiry of the emergency period. The powers to make regulations to further amend the definitions of “emergency period” and “extended period” will not continue to have effect after the expiry of the Coronavirus (Scotland) (No. 2) Act 2020 at the end of 31 March 2022.

The provisions of regulations 4 and 5 replace and supercede the saving provisions contained in regulations 4 and 5 of the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021. Those provisions are therefore revoked by regulation 6 along with the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Amendment Regulations 2021 which amended them.

**Changes to legislation:** *There are currently no known outstanding effects for the The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021. (See end of Document for details)*

Regulation 7 amends the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to modify the information required to be included in notices published under regulation 7(2) of those Regulations and to align the dates of the emergency period with the changes made by regulation 2 of these Regulations.

Regulation 8 amends the date on which the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 come into force from 1 October 2021 to 1 April 2022 and makes consequential changes to the related transitional and savings provisions.

Regulation 9 amends the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 to remove, with effect from the end of 30 September 2021, the temporary suspension of the requirement to hold a meeting of a local review body in public.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021.