

2022 No. 275 (C. 15)

TOWN AND COUNTRY PLANNING

**The Planning (Scotland) Act 2019 (Commencement No. 9 and
Saving and Transitional Provisions) Regulations 2022**

Made - - - - - *15th September 2022*

Laid before the Scottish Parliament *20th September 2022*

Coming into force - - - *1st October 2022*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 63(2) and (3) of the Planning (Scotland) Act 2019(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Scotland) Act 2019 (Commencement No. 9 and Saving and Transitional Provisions) Regulations 2022 and come into force on 1 October 2022.

(2) In these Regulations—

“the Act” means the Planning (Scotland) Act 2019,

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997(b),

“planning permission” and “completion notice” have the same meaning as in the 1997 Act.

Appointed day

2.—(1) Subject to paragraph (3) and regulation 3, the day appointed for the coming into force of the provisions of the Act specified in paragraph (2), in so far as not already in force, is 1 October 2022.

(2) The provisions are—

(a) section 22 (declining to determine applications),

(b) section 32 (duration of planning permission),

(c) section 33 (completion notices),

(d) section 38 (declining to determine an application: further provision),

(e) section 62 (minor and consequential amendments and repeals),

(f) paragraph 6 of schedule 2 (duration of planning permission).

(3) Section 62 of the Act is commenced only for the purposes of the commencement of paragraph 6 of schedule 2 of the Act.

(a) 2019 asp 13.

(b) 1997 c. 8.

Saving and transitional provisions

3.—(1) The provisions of section 39 (declining to determine an application) of the 1997 Act continue to apply as they had effect immediately before 1 October 2022 in relation to an application for planning permission received by the planning authority before that date.

(2) The following provisions of the 1997 Act continue to apply as they had effect immediately before 1 October 2022 in relation to planning permission granted (including planning permission granted by order under section 71 of the 1997 Act), or deemed to be granted, before that date—

- (a) section 41 (conditional grant of planning permission),
- (b) section 58(a) (duration of planning permission),
- (c) section 59(b) (planning permission in principle),
- (d) section 60(c) (provisions supplementary to sections 58 and 59),
- (e) section 71(d) (orders requiring discontinuance of use or alteration or removal of buildings or works).

(3) The provisions of sections 61 (termination of planning permission by reference to time limit: completion notices), 62 (effect of completion notice) and 237 (validity of development plans and certain orders, decisions and directions) of the 1997 Act continue to apply as they had effect immediately before 1 October 2022 in relation to a completion notice served before that date.

(4) The provisions of section 62A (objection to completion notice) of the 1997 Act as inserted by section 33(4) of the Act only apply in respect of a completion notice served on or after 1 October 2022.

(5) The provisions of sections 58, 59 and 88(e) (circumstances in which purchase notices may be served) of the 1997 Act continue to apply as they had effect immediately before 1 October 2022 for the purposes of any claim arising before that date in the circumstances mentioned in section 88(1) of the 1997 Act.

(6) The provisions of sections 58, 59 and 232(f) (right to compensation in respect of certain decisions and orders) of the 1997 Act continue to apply as they had effect immediately before 1 October 2022 for the purposes of entitlement to compensation under section 232 of the 1997 Act in respect of a decision to grant planning permission made in accordance with section 218 of the 1997 Act before that date.

TOM ARTHUR

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
15th September 2022

(a) Section 58 was relevantly amended by section 20 of the Planning etc. (Scotland) Act 2006 asp 17 (“the 2006 Act”).
(b) Section 59 was relevantly amended by section 21 of the 2006 Act.
(c) Section 60 was relevantly amended by section 22 of the 2006 Act.
(d) Section 71 was relevantly amended by section 22 of the 2006 Act.
(e) Section 88 was relevantly amended by section 22 of the 2006 Act.
(f) Section 232 was relevantly amended by section 22 of the 2006 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring sections 22, 32, 33 and 38 of, and paragraph 6 of schedule 2 of, the Planning (Scotland) Act 2019 (“the Act”) fully into force on 1 October 2022. They also bring section 62 into force on that date for the limited purposes of the commencement of paragraph 6 of schedule 2 of the Act. These provisions are commenced subject to the saving and transitional provisions in regulation 3.

The Bill for the Act received Royal Assent on 25 July 2019. Sections 58 to 61, 63 and 64 came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Planning (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1, 2 and 10	8 November 2019	S.S.I. 2019/314
Sections 3, 5, 7, 11, 14 and 62 and paragraph 9 of schedule 2 (for limited purposes)	8 November 2019	S.S.I. 2019/314
Sections 25 and 42	20 December 2019	S.S.I. 2019/377
Section 23	1 March 2020	S.S.I. 2019/377
Section 18(1), (2) and (4)	1 December 2019	S.S.I. 2019/385
Sections 20, 24, 29, 41, 47, 48, 49, 51, 52 and 53	1 December 2019	S.S.I. 2019/385
Sections 26, 62 and paragraph 9 of schedule 2 (for limited purposes)	1 December 2019	S.S.I. 2019/385
Sections 27 and 30	1 March 2020	S.S.I. 2019/385
Section 17, 62 and paragraph 9 of schedule 2 (for limited purposes)	18 May 2020	S.S.I. 2020/67
Section 26	18 May 2020	S.S.I. 2020/67
Section 34 and 37	18 November 2020	S.S.I. 2020/294
Section 37	18 November 2020	S.S.I. 2020/294
Section 17	1 April 2021	S.S.I. 2021/101
Section 40	17 July 2021	S.S.I. 2021/244
Section 14(1) (for limited purposes)	22 January 2022	S.S.I. 2021/480
Section 14(3) and (7)	22 January 2022	S.S.I. 2021/480

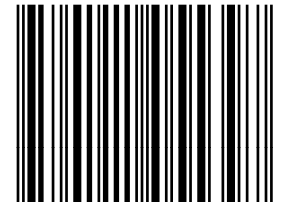
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