
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 275

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

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(1) (duration of planning permission),
- (c) section 59(2) (planning permission in principle),
- (d) section 60(3) (provisions supplementary to sections 58 and 59),
- (e) section 71(4) (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(5) (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(6) (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.

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- (1) Section 58 was relevantly amended by section 20 of the Planning etc. (Scotland) Act 2006 [asp 17](#) (“the 2006 Act”).
 - (2) Section 59 was relevantly amended by section 21 of the 2006 Act.
 - (3) Section 60 was relevantly amended by section 22 of the 2006 Act.
 - (4) Section 71 was relevantly amended by section 22 of the 2006 Act.
 - (5) Section 88 was relevantly amended by section 22 of the 2006 Act.
 - (6) Section 232 was relevantly amended by section 22 of the 2006 Act.