

**Changes to legislation:** National Health Service and Community Care Act 1990, Cross Heading: The Town and Country Planning (Scotland) Act 1972 is up to date with all changes known to be in force on or before 25 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 8

#### PROVISIONS ARISING OUT OF REMOVAL OF CROWN IMMUNITIES FROM HEALTH SERVICE BODIES

##### Commencement Information

**II** Sch. 8 wholly in force at 1.4.1991 see s. 67(2) and S.I. 1990/1329, art. 2(8), Sch. 3.

### PART III

#### TRANSITIONAL PROVISIONS

##### *The Town and Country Planning (Scotland) Act 1972*

- 17 (1) This paragraph applies if—
- (a) before the appointed day, notice of any proposed development has been given to a planning authority in accordance with arrangements relating to development by government departments; and
  - (b) the development relates to land which, at the time the notice was given, was functional health service land; and
  - (c) the proposed development has not been carried out before the appointed day.
- (2) So far as relates to the carrying out of the development of which notice was given as mentioned in sub-paragraph (1)(a) above, for the purposes of the arrangements referred to in that paragraph and of [F1the Town and Country Planning (Scotland) Act 1997]—
- (a) the carrying out of the development shall continue to be regarded as being by or on behalf of the Crown; and
  - (b) so long as the interest of the Secretary of State in the land referred to in sub-paragraph (1)(b) above continues on and after the appointed day to be held in fact by the Secretary of State or an NHS trust, that interest shall be regarded as continuing to be an interest of, or held on behalf of, the Crown.
- (3) Subject to paragraph 12 above, expressions used in sub-paragraphs (1) and (2) above have the same meaning as in [F1the Town and Country Planning (Scotland) Act 1997].

##### Textual Amendments

**F1** Words in Sch. 8 para. 17(2)(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 46(2)

**Changes to legislation:**

National Health Service and Community Care Act 1990, Cross Heading: The Town and Country Planning (Scotland) Act 1972 is up to date with all changes known to be in force on or before 25 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))