



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART X

#### STATUTORY UNDERTAKERS

##### *Extinguishment of rights of statutory undertakers, etc.*

#### **227 Orders under sections 224 and 225.**

- (1) Where [<sup>F1</sup>the Scottish Ministers] propose to make an order under section 224(7) or 225(7), they shall prepare a draft of the order.
- (2) Before making an order under subsection (6) or (7) of section 224, or under subsection (6) or (7) of section 225, the [<sup>F2</sup>Scottish Ministers] shall give the statutory undertakers or, as the case may be, the operator of [<sup>F3</sup>the electronic communications code network] on whom notice was served under subsection (3) of section 224 or, as the case may be, under subsection (3) of section 225 an opportunity of objecting to the application for, or proposal to make, the order.
- (3) If any such objection is made, before making the order the Ministers shall cause an inquiry to be held and shall give those statutory undertakers or, as the case may be, that operator (and, in a case falling within subsection (6) of either of those sections, the planning authority or statutory undertakers on whom the counter-notice was served) an opportunity of appearing before, and being heard by, a person appointed for the purpose by the [<sup>F4</sup>Scottish Ministers] .
- (4) After complying with subsections (2) and (3) the Ministers may, if they think fit, make the order in accordance with the application or, as the case may be, in accordance with the draft order, either with or without modification.
- (5) Where an order is made under section 224 or 225—

**Changes to legislation:** Town and Country Planning (Scotland) Act 1997, Section 227 is up to date with all changes known to be in force on or before 20 April 2024. 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

- (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order, and
- (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.

<sup>F5</sup>(6) . . . . .

#### Textual Amendments

- F1** Words in s. 227(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 127(10)(a)**; S.I. 1998/3178, **art. 3**
- F2** Words in s. 227(2) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 127(10)(b)**; S.I. 1998/3178, **art. 3**
- F3** Words in ss. 225-227 substituted (17.9.2003) by Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 1(1), Sch. 1 para. 13(1)(e)(2)(b)
- F4** Words in s. 227(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 127(10)(c)**; S.I. 1998/3178, **art. 3**
- F5** S. 227(6) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 127(10)(d)**, Pt. IV; S.I. 1998/3178, **art. 3**

#### Modifications etc. (not altering text)

- C1** Ss. 224-227 applied (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 4 para. 4(5)(6)(c) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- C2** Ss. 224-227 applied (with modifications) (11.8.2004) by Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 (asp 10), **Sch. 9 para. 1** (with s. 33)
- C3** Ss. 224-227 applied (with modifications) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **Sch. 9 para. 1** (with s. 75)
- C4** Ss. 224-227 applied (with modifications) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **sch. 9 para. 1** (with ss. 76, 84)
- C5** Ss. 224-227 applied (with modifications) (24.7.2006) by Waverley Railway (Scotland) Act 2006 (asp 13), **sch. 8** (with ss. 50(2), 51)
- C6** Ss. 224-227 applied (15.1.2007) by Glasgow Airport Rail Link Act 2007 (asp 1), **sch. 7 para. 1** (with s. 50)
- C7** Ss. 224-227 applied (with modifications) (19.4.2007) by Edinburgh Airport Rail Link Act 2007 (asp 16), **sch. 7** (with ss. 52, 60)
- C8** Ss. 224-227 applied (with modifications) (8.5.2007) by Airdrie-Bathgate Railway and Linked Improvements Act 2007 (asp 19), **sch. 7** (with ss. 48, 59)
- C9** Ss. 224-227 applied (with modifications) (1.6.2010) by The Network Rail (Waverley Steps) Order 2010 (S.S.I. 2010/188), art. 1, **sch. 7 para. 1**
- C10** Ss. 224-227 applied (with modifications) (18.3.2011) by Forth Crossing Act 2011 (asp 2), **ss. 57, 80(2)** (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.
- C11** Ss. 224-227 applied (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), art. 1, **sch. 7 para. 1(1)** (with art. 37, sch. 7 paras. 1(6), 2)

**Changes to legislation:**

Town and Country Planning (Scotland) Act 1997, Section 227 is up to date with all changes known to be in force on or before 20 April 2024. 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.

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

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

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

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)