



Planning etc. (Scotland) Act 2006

2006 asp 17

PART 8

FINANCIAL PROVISIONS

31 Fees and charges

In section 252 of the principal Act (fees for planning applications etc.)—

(a) for subsection (1) substitute—

“(1) The Scottish Ministers may by regulations make provision for the payment of a charge or fee to a planning authority in respect of—

- (a) the performance by the planning authority of any of the authority’s functions,
- (b) anything done by the authority which is calculated to facilitate, or is conducive or incidental to, the performance of any such function.

(1A) The regulations may (any or all)—

- (a) specify the person by whom the charge or fee is to be paid,
- (b) make provision as to how the charge or fee is to be calculated,
- (c) specify the person by whom the calculation is to be made,
- (d) make different provision for different classes of case,
- (e) specify circumstances in which no charge or fee is to be paid,
- (f) specify circumstances in which the charge or fee is to be transferred from one planning authority to another.

(1B) Without prejudice to the generality of paragraph (d) of subsection (1A), in relation to applications for planning permission, different provision may be made under that paragraph according to whether an application is made before or after the carrying out of the development to which it relates.”, and

(b) for subsections (3) to (5) substitute—

“(3) Regulations under—

Status: This is the original version (as it was originally enacted).

- (a) subsection (1), may provide for the remission or refunding of a prescribed charge or fee,
 - (b) subsection (2), may provide for the remission or refunding of a prescribed fee,
- (in whole or in part) in prescribed circumstances.
- (4) Without prejudice to the generality of subsection (3), circumstances prescribed under that subsection may include those where the Scottish Ministers consider (or a person appointed by them under or by virtue of this Act considers) that in the performance or acting in respect of which the charge or fee is payable—
 - (a) the planning authority have behaved unreasonably, or
 - (b) there has been unreasonable delay.
 - (5) Regulations under subsection (1) are subject to annulment in pursuance of a resolution of the Scottish Parliament in so far as they are made by virtue of—
 - (a) subsection (1A)(b) and consist in amendments consequential upon changes in the cost of living, in the retail prices index or in an inflation index, or
 - (b) subsection (1A)(c).
 - (6) Subject to subsection (5), regulations under subsection (1) or (2) are not made unless a draft of the instrument containing the regulations has been laid before, and approved by resolution of, the Scottish Parliament.
 - (7) Where a charge or fee is calculated in pursuance of the regulations, the planning authority must secure that, taking one financial year with another, the income from the fee or charge does not exceed the cost of the performance of the function or, as the case may be, of the doing of the thing.
 - (8) A financial year is a period of 12 months beginning with 1 April.”.