



# Planning etc. (Scotland) Act 2006

## 2006 asp 17

### PART 9 **S**

#### BUSINESS IMPROVEMENT DISTRICTS

##### *Procedure*

#### 42 **Power of veto** **S**

- (1) This section applies where a ballot is to be held for the purposes of section 38(1).
- (2) By such date prior to the date of the ballot as may be prescribed, the local authority to which the BID proposals relate are to give to—
  - (a) the persons who have drawn up the proposals, and
  - (b) the Scottish Ministers,notice that the authority are or are not vetoing the proposals.
- (3) The authority may veto proposals only in the circumstances specified in subsection (4) and are not entitled to do so after the date prescribed for the purposes of subsection (2).
- (4) Those circumstances are that the local authority consider that the BID proposals are likely—
  - (a) to conflict with any structure plan, local plan, strategic development plan or local development plan which has been approved or adopted under the principal Act and which applies to the proposed business improvement district or any part of it,
  - (b) to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority (whether or not the authority are under a statutory duty to prepare such a document), or
  - (c) to lead to a significantly disproportionate financial burden being imposed on—
    - (i) any person entitled to vote in the ballot on the proposals, or
    - (ii) any class of such persons,as compared to other such persons or classes.

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**Changes to legislation:** There are currently no known outstanding effects for the Planning etc. (Scotland) Act 2006, Section 42. (See end of Document for details)

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- (5) The Scottish Ministers may by regulations made by statutory instrument amend subsection (4) so as to change or add to the circumstances in which a local authority may veto proposals.
- (6) Where the local authority have vetoed the BID proposals, no ballot shall be held.
- (7) In deciding whether to exercise the veto, the local authority are to have regard to such matters as may be prescribed.
- (8) A notice under subsection (2) vetoing the BID proposals must—
  - (a) set out the reasons for the exercise of the veto, and
  - (b) give details of the right of appeal under section 43.
- (9) Any other notice under subsection (2) must set out the reasons for not exercising the veto.

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**Commencement Information**

- I1** S. 42 in force at 6.2.2007 for specified purposes by S.S.I. 2007/49, art. 2, Sch.
- I2** S. 42 in force at 1.4.2007 in so far as not already in force by S.S.I. 2007/130, art. 2(2)(3), Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Planning etc. (Scotland) Act 2006, Section 42.