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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 344**

**TOWN AND COUNTRY PLANNING**

**The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Amendment (No. 2) Order 2009**

*Made* - - - - *7th October 2009*  
*Laid before the Scottish*  
*Parliament* - - - - *8th October 2009*  
*Coming into force* - - *16th November 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 58(1) and (2) of the Planning etc. (Scotland) Act 2006(1) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Amendment (No. 2) Order 2009 and comes into force on 16th November 2009.

**Amendment of Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008**

2.—(1) The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008(2) is amended in accordance with paragraphs (2) and (3).

(2) In article 3(2)(b)(ii) for “as it” substitute “or the period within which representations may be timeously made following publication of proposals under section 9(4) of the Act (as the case may be) as those sections”.

(3) In article 5(2)(b) for paragraphs (ii) and (iii) substitute—

“(ii) the circumstances mentioned in section 19(2) were that the period within which objections to a local plan may be timeously made to the planning authority following the local plan being made available for inspection under section 12(3)(a) of the Act (as continued in force by paragraph (2)(a)) has expired and one or more objection to the plan has been made to the planning authority within that period (and has not been subsequently withdrawn);

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(1) 2006 asp 17.

(2) S.S.I. 2008/427 as amended by S.S.I. 2009/18.

- (iii) the requirement under section 19(1) to make a request to the Scottish Ministers to appoint a person to examine the proposed plan under section 19(3) arises following the expiry of that period rather than on the submission of a proposed local development plan;
- (iv) in section 19(3) the reference to time of the submission of a proposed development plan under section 18(4)(a) were a reference to the time following the expiry of that period; and
- (v) references in section 19(6)(b) and section 20A(1)(d)(i) to persons who have made representations were references to persons making an objection to the local plan within that period.”.

St Andrew’s House,  
Edinburgh  
7th October 2009

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008 (“the 2008 Order”). Article 2 changes the modifications applied by article 5 of the 2008 Order to alter the circumstances in which the new section 19 of the Town and Country Planning (Scotland) Act 1997 introduced by section 2 of the Planning etc. (Scotland) Act 2006 require an examination to be held in respect of a local plan.