

Status: Point in time view as at 07/01/2003.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Procedure on reference is up to date with all changes known to be in force on or before 15 July 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)

SCHEDULES

SCHEDULE 6

PLANNING INQUIRY COMMISSIONS

Procedure on reference

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- (1) A reference to a commission of a proposal that development should be carried out by or on behalf of a government department may be made at any time.
 - (2) A reference of any other matter mentioned in section 69(2) may be made at any time before, but not after, the determination of the relevant application referred under section 46 or the relevant appeal under section 47 or, as the case may be, the giving of the relevant direction under section 57.
 - (3) The fact that an inquiry or other hearing has been held into a proposal by a person appointed by any Minister for the purpose shall not prevent a reference of the proposal to a commission.
 - (4) Notice of the making of a reference to a commission shall be published in the prescribed manner.
 - (5) A copy of the notice shall be served on the planning authority for the area in which it is proposed that the relevant development shall be carried out, and—
 - (a) in the case of an application for planning permission referred under section 46 or an appeal under section 47, on the applicant and any person who has made representations relating to the subject matter of the application or appeal which the authority are required to take into account under section 38(1) or (2);
 - (b) in the case of a proposal that a direction should be given under section 57 with respect to any development, on the local authority or statutory undertakers applying for authorisation to carry out that development.
 - (6) Subject to the provisions of this Schedule and to any directions given to them by the responsible Minister or Ministers, a commission shall have power to regulate their own procedure.

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