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STATUTORY INSTRUMENTS

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**1996 No. 2857 (C.84) (S.219)**

**TOWN AND COUNTRY PLANNING, SCOTLAND**

The Environment Act 1995 (Commencement  
No.7) (Scotland) Order 1996

Made - - - - 8th November 1996

The Secretary of State, in exercise of the powers conferred on him by section 125(3) of the Environment Act 1995<sup>(1)</sup> hereby makes the following Order:

**Citation and extent**

1.—(1) This Order may be cited as the Environment Act 1995 (Commencement No.7) (Scotland) Order 1996.

(2) This Order extends to Scotland only.

**Provisions coming into force on 1 January 1997**

2. The following provisions of the Environment Act 1995 shall come into force on 1st January 1997:—

section 96(1), (5) and (6) and Schedule 13 and 14 insofar as they apply in relation to Scotland;  
96(3);

section 96(4) insofar as it relates to section 251A of the Town and Country Planning (Scotland) Act 1972<sup>(2)</sup> ceasing to have effect;

section 120(3) insofar as it relates to the repeal in Schedule 24 of section 251A of the Town and Country Planning (Scotland) Act 1972.

Victoria Quay,  
Edinburgh  
8th November 1996

*George Kynoch*  
Parliamentary Under Secretary of State, Scottish  
Office

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(1) 19 95 c.25.

(2) 19 72 c.52, section 251A was substituted by section 51 and Schedule 8, paragraph 14, to the Planning and Compensation Act 1991 c. 34.

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## EXPLANATORY NOTE

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

Article 2 of this Order brings into force on 1st January 1997 the following provisions of the Environment Act 1995—

section 96(1) and (5) and (6) (mineral planning permissions), Schedule 13 (review of old mineral planning permissions) and Schedule 14 (periodic review of mineral planning permissions) in relation to Scotland;

section 96(3);

section 96(4) insofar as it relates to section 251A of the Town and Country Planning (Scotland) Act 1972 ceasing to have effect;

section 120(3) insofar as it relates to the repeal in Schedule 24 of section 251A of the Town and Country Planning (Scotland) Act 1972.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Environment Act 1995 are brought into force by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 1	28.07.1995	1995/1983
Section 2	01.04.1996	1996/186
Section 3(1)	01.04.1996	1996/186
Section 3(2) to (8)	28.07.1995	1995/1983
Section 4	28.07.1995	1995/1983
Section 5	01.02.1996 and 01.04.1996	1996/186
Section 6	01.04.1996	1996/186

Section 7	28.07.1995	1995/1983
Section 8	01.04.1996	1996/186
Section 9	28.07.1995	1995/1983
Sections 10 and 11	01.04.1996	1996/186
Section 12	28.07.1995	1995/1983
Sections 13 to 19	01.04.1996	1996/186
Sections 20 to 23	12.10.1995	1995/2649
Sections 25 to 29	01.04.1996	1996/186
Sections 30 to 32	12.10.1995	1995/2649
Sections 33 to 35	01.04.1996	1996/186
Section 36	12.10.1995	1995/2649
Section 37	28.07.1995 and 01.04.1996	1995/1983 and 1996/186
Sections 38 to 40	28.07.1995	1995/1983
Section 41	21.09.1995, 01.02.1996 and 01.04.1996	1995/1983 and 1996/186
Section 42	21.09.1995	1995/1983
Sections 43 to 52	28.07.1995	1995/1983
Sections 53 and 54	01.04.1996	1996/186
Section 55	01.02.1996	1996/186

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	and 01.04.1996	
Section 56	28.07.1995	1995/1983
Section 57 (partially)	21.09.1995	1995/1983
Section 58 (partially)	21.09.1995	1995/1983
Section 59 (partially)	12.10.1995	1995/2649
Section 78 (partially) and paragraphs 1, 2(1), 2(3) to (8), 2(9)(a), (c) and (d), 3 to 7, 8(2), 9, 10(1) and (3), 11, 12, 14, 15, 17 to 19, 21, 23 to 26, 28 to 31, 32(1) to (13) and (15) to (18), 33(1) to (5), 34, 35 (partially), 36, 37 and 38(1) of Schedule 10, with savings	23.11.1995	1995/2950
Section 78 (partially) and paragraphs 2(2) and (9)(b), 8(1) and (3), 13, 16, 20 and 22(3), (4)(a) and (b) and (5) of Schedule 10, with savings	01.04.1996	1995/2950
Section 78 (partially) and paragraphs (10)(2)(b), 22(2), (4)(c), (6) and (7), 27, 32(14) and 33(6) to (8), 35 (insofar as that paragraph is not already in force), and 38(2) of Schedule 10	01.04.1997	1996/2560
Section 80	01.02.1996	1996/186
Section 81	01.04.1996	1996/186
Sections 87 to 89	01.02.1996	1996/186

Section 90 (partially) and paragraphs 2, 3 and 5 of Schedule 11	01.02.1996	1996/186
Section 91	01.02.1996	1996/186
Section 92	01.04.1996	1996/186
Sections 93 to 95	21.09.1995	1995/1983
Section 96(1) and (4) to (6) (partially)	01.11.1995	1995/2765
Section 96(2)	01.11.1995	1995/2765
Sections 97 to 103	21.09.1995	1995/1983
Section 104	01.04.1996	1996/186
Section 105 (partially) and paragraphs 25 and 26(1) of Schedule 15	21.09.1995	1995/1983
Section 105 (partially) and paragraphs 3 and 5(1) of Schedule 15	01.02.1996	1996/186
Section 105 (partially) and paragraphs 1, 2, 4, 5(2) and (3), 6 to 12, 14(2) and (3), 15, 16, 18, 19 and 21 to 24 of Schedule 15	01.04.1996	1996/186
Section 105 (partially) and paragraphs 13, 14(1) and (4), 17, 20 and 26(2) of Schedule 15	01.01.1999	1995/1983
Sections 106 to 114	01.04.1996	1996/186

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Section 115	01.04.1996	<a href="#">1995/2950 and 1996/186</a>
Section 116 (partially) and paragraph 2(1) to (3) of Schedule 21	21.09.1995	<a href="#">1995/1983</a>
Section 117	01.04.1996	<a href="#">1996/186</a>
Section 118(1) to (3), (4) and (5) (partially) and (6)	01.04.1996	<a href="#">1996/186</a>
Section 119	01.04.1996	<a href="#">1996/186</a>
Section 120(1) (partially) and paragraphs 4, 31, 42, 213(1), (2)(b) and (3) and 223(1)(c) of Schedule 22	28.07.1995	<a href="#">1995/1983</a>
Section 120(1) (partially) and paragraphs 15, 29(1) and (22) partially, 51(1) to (3) and (5) and 53 of Schedule 22	12.10.1995	<a href="#">1995/2649</a>
Section 120(1) (partially) and paragraphs 37(1) and (4), 38, 39, 76(1) and (3), 80(1) and (2), 82(1) and (5) (partially), 133(1), 137 to 139, 147, 153, 162 (partially), 182, 187(1) and 192 of Schedule 22	21.09.1995	<a href="#">1995/1983</a>
Section 120(1) (partially) and paragraphs 2, 13, 36, 37(2)(b), 43, 44, 102, 103 (partially), and 232(1) of Schedule 22	01.02.1996	<a href="#">1996/186</a>
Section 120(1) (partially) and paragraphs 1, 3, 5 to 12, 14, 17 to 27(a), 28, 29(2) to (20), 21(a)(ii), (23) to (25) and (27) to (35), 30, 32 to 35, 37(3) and (5) to (8), 40, 41, 45, 46(1) to (4) and (6) to (11), 47 to 50, 51(4), 52, 54 to 66, 68(1), (2)	01.04.1996	<a href="#">1996/186</a>

(partially), (3), (4), and (6), 70(1) and (2), 72(2) (partially), and (3) to (6), 74 (partially), 75, 76(2), (4) to (7) and (8)(b), 77, 78, 80(3), 82 (so far as not already in force), 83 to 87, 90, 93, 94, 96 to 101, 103 (so far as not already in force), 104 to 132, 133(2), 134, 136, 140, 141, 144 to 146, 148 to 152, 154 to 160, 164 to 168, 171 to 181, 184, 185, 187(2), 188 to 191, 193 to 212, 213(2)(a), (4) and (5), 214 to 222, 223(1) (a) and (b) and (2), 224 to 231, 232(2) and 233 of Schedule 22

Section 120(2) (partially) and paragraphs 1 to 6, 8 to 10, 12, 13, 14(1) to (4), (7) and (8) (partially) and 16 to 24 of Schedule 23	01.04.1996	<a href="#">1996/186</a>
Section 120(2) (partially) and paragraph 14(5), (6) and (8) (partially) of Schedule 23	01.01.1999	<a href="#">1995/1983</a>
Section 120(3) (partially) and the repeals in Schedule 24 relating to sections 68, 69(5), 126(6) and 129(4) of the Water Resources Act 1991	21.09.1995	<a href="#">1995/1983</a>
Section 120(3) (partially) and the repeal in Schedule 24 relating to section 105 of the Town and Country Planning Act 1990	01.11.1995	<a href="#">1995/2765</a>
Section 120(3) (partially) and the repeal in Schedule 24 relating to the Local Government etc. (Scotland) Act 1994, except section 165(6)	01.02.1996	<a href="#">1996/186</a>

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<p>Section 120(3) (partially) and the repeals in Schedule 24 relating to the Public Health (Scotland) Act 1897, the Alkali, &amp;c, Works Regulation Act 1906, the Rivers (Prevention of Pollution) (Scotland) Act 1951, section 151(5) of the Mines and Quarries Act 1954, section 10(6)(a) of the Rivers (Prevention of Pollution) (Scotland) Act 1965, section 3(3)(b) of the Nuclear Installations Act 1965, the Parliamentary Commissioner Act 1967, the Sewerage (Scotland) Act 1968, section 1(1)(g) of the Hovercraft Act 1968, the Agriculture Act 1970, section 223(2) of the Local Government Act 1972, the Clyde River Purification Act 1972, the Local Government (Scotland) Act 1973, section 28 of the Health and Safety at Work etc. Act 1974, the Control of Pollution Act 1974 (except that relating to section 30(1)), paragraph 1 of Schedule 2 to the Clean Air Enactments (Repeals and Modifications) Regulations 1974, Schedule 1 to the House of Commons Disqualification Act 1975, Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, the Local Government (Scotland) Act 1975, sections 5(2), 10 and 15 of the Salmon and Freshwater Fisheries Act 1975, the Water (Scotland) Act 1980, paragraph 17(3) of Schedule 9 to the Roads (Scotland) Act 1984, regulations 2 and 4 of the Control of Industrial Air Pollution (Transfer of Powers of Enforcement) Regulations 1987, sections 7(2) and (8) and 11(3) of the Control of Pollution (Amendment) Act</p>	<p>01.04.1996</p>	<p>1996/186</p>
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1989, the Water Act 1989, the Environmental Protection Act 1990 (except those relating to sections 33(1), 36(11) and (12), 39(12) and (13), 54, 61, 75(3), 88, 143 and Schedule 8), the Natural Heritage (Scotland) Act 1991, the Water Industry Act 1991 (except those relating to section 4(6)), sections 1 to 14, 16 to 19, 58, 105(1), 114, 117, 121 to 124, 131, 132, 144, 146, 150 to 153, 187, 196, 202(5), 209(1), (2) and (4), 213 to 215, 218, the words “Subject to subsection (3) below,” in section 219(2), section 219(3), the definitions of “the Authority” and “constituent council” in section 221(1) and Schedules 1, 3 and 4 of the Water Resources Act 1991, the Land Drainage Act 1991, the Water Consolidation (Consequential Provisions) Act 1991, the Clean Air Act 1993, the Radioactive Substances Act 1993, the Noise and Statutory Nuisance Act 1993, paragraph 17(4) of Schedule 9 and paragraph 3(1) and (2) of Schedule 11 to the Local Government (Wales) Act 1994, and the words “a river purification board” in section 165(6) of the Local Government etc. (Scotland) Act 1994

Section 120(3) (partially) and the repeals in Schedule 24 relating to sections 30 and 41(1) of the Salmon and Freshwater Fisheries Act 1975	01.01.1999	<a href="#">1995/1983</a>
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Section 120(3) (partially) and the repeals in Schedule 24 relating to the National Parks and Access to the Countryside Act 1949, section 24(8) of the Caravan Sites and control of Development Act 1960, section 50(3) of	01.04.1997	<a href="#">1996/2560</a>
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the Agriculture Act 1967,  
the Countryside Act 1968,  
the Local Government Act  
1972, section 7 of the Local  
Government Act 1974,  
section 16(9) of the Welsh  
Development Agency Act  
1975, section 19A(2)(a)  
of the Race Relations Act  
1976, the Local Government  
Planning and Land Act 1980,  
except the repeals relating  
to section 103(2)(c), and  
paragraphs 9(2) and (3) of  
Schedule 2, the Highways  
Act 1980, the Acquisition of  
Land Act 1981, the Wildlife  
and Countryside Act 1981,  
the Local Government  
Miscellaneous Provisions Act  
1982, section 1(11) of the  
Derelict Land Act 1982, the  
Litter Act 1983, Schedule 3  
of the Local Government  
Act 1985, section 573 of the  
Housing Act 1985, Schedule 6  
of the Norfolk and Suffolk  
Broads Act 1988, Schedule 2  
in the Local Government Act  
1988, section 74(7) of the  
Local Government Finance  
Act 1988, Schedule 8 of the  
Electricity Act 1989, the Local  
Government and Housing  
Act 1989 except the repeal  
relating to the word “and” in  
section 21(1), the Town and  
Country Planning Act 1990,  
the Planning (Listed Buildings  
and Conservation Areas) Act  
1990, section 3 of the Planning  
(Hazardous Substances)  
Act 1990, Schedule 2 of the  
Planning (Consequential  
Provisions) Act 1990

Section 120(4) to (6)	28.07.1995	<a href="#">1995/1983</a>
Sections 121 to 124	28.07.1995	<a href="#">1995/1983</a>
Paragraph 7(2) of Schedule 7	01.04.1997	<a href="#">1996/2560</a>
Schedules 13 and 14 (so far as they apply in relation to England and Wales)	01.11.1995	<a href="#">1995/2765</a>

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