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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2010 No.**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment (No. 2) Regulations 2010**

*Made* - - - - *2010*

*Coming into force* - - *9th August 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 252 of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

In accordance with section 252(6) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment (No. 2) Regulations 2010 and come into force on 9th August 2010.

(2) In these Regulations “the principal Regulations” means the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004(b).

**Amendment of the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004**

2.—(1) The principal Regulations are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (application, citation and commencement)—

(a) in paragraph (a)—

(i) in sub-paragraph (i) omit “or deemed application for planning permission”; and

(ii) after sub-paragraph (v) omit “and”; and

(b) omit paragraph (b).

(3) Omit regulations 10 (fees for deemed applications) and 11 (refunds of fees for deemed applications).

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(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 252 was amended by section 31 of the Planning etc. (Scotland) Act 2006 (asp 17).

(b) S.S.I. 2004/219 as amended by S.S.I. 2007/253, 2007/268, 2009/222 and 2010/141.

(4) In the Schedule (fees in respect of applications and deemed applications for planning permission or for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle)—

- (a) omit paragraph 1(c);
- (b) in paragraph 2 omit “or regulation 10”;
- (c) in paragraph 3 for “or deemed application is made or deemed to be” substitute “is”;
- (d) in paragraph 4—
  - (i) in sub-paragraph (1) for “or deemed application is made or deemed to be” substitute “is”;
  - (ii) in sub-paragraph (2)(a) omit “or deemed application”; and
  - (iii) in sub-paragraph (2)(b) omit “, or, in the case of a deemed application, the Scottish Ministers are,”;
- (e) in paragraph 8—
  - (i) in sub-paragraph (1) omit “or deemed to have been made by virtue of section 133(7) of the 1997 Act”;
  - (ii) in sub-paragraph (3) omit “In applications other than deemed applications”; and
  - (iii) omit sub-paragraph (4);
- (f) in paragraph 10 in sub-paragraph (a) omit from “or” to the end of that sub-paragraph;
- (g) in paragraph 12—
  - (i) in sub-paragraph (1) omit “or a deemed application”; and
  - (ii) in sub-paragraph (4) omit “or deemed application” in both places where those words occur;
- (h) in paragraph 13 omit “or deemed application” in both places where those words occur; and
- (i) in the Table contained in Part III of the Schedule in the entry in column 2 corresponding to—
  - (i) category 2, in paragraph (b)(ii) for “£160” substitute “£319”; and
  - (ii) category 3, in paragraph (a) after “permission” insert “in principle,”.

### **Savings**

3. Notwithstanding the amendment of the principal Regulations by regulation 2, the principal Regulations shall continue to apply in respect to any application or deemed application referred to at regulation 1(2) of the principal Regulations made or deemed to be made before the date on which these Regulations come into force as they did immediately before these Regulations came into force.

St Andrew’s House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

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

These Regulations amend the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 (“the principal Regulations”). Paragraphs (1) to (4)(h) of regulation 2 remove redundant references to “deemed applications” where they appear in the principal Regulations. Where an appeal was made against an enforcement notice an application for planning permission was previously deemed to have been made by virtue of section 133(7) of the Town and Country Planning (Scotland) Act 1997. This section has been repealed by the Planning etc. (Scotland) Act 2006. Regulation 2(4)(i) makes minor changes to the table of fees set out in the Schedule to the principal Regulations.

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