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## EXPLANATORY NOTE

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

Section 8 of the Electronic Communications Act 2000 empowers the Scottish Ministers, with the consent of the Secretary of State (defined in section 9 of that Act) by order to modify any enactment or subordinate legislation for the purpose of authorising or facilitating the use of electronic communications. This Order modifies legislation relating to planning.

Articles 3 to 6 modify certain provisions of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”).

Article 3 authorises the use of electronic communications for the specific purpose of sending notices of appeal against planning enforcement notices to the Scottish Ministers.

Article 4 amends section 271 of the 1997 Act to authorise the use of electronic communications for the general purpose of sending or giving notices or other documents under the Act, where certain conditions are fulfilled, and subject to certain exceptions, for example cases where criminal sanctions attach to failure to comply with certain types of notice or where an interest in land may be effected. Section 271 applies for the purposes of other planning enactments, and so the modifications made to that section by this Order have effect, with further modifications as noted below, also for Schedules 9 and 10 to the 1997 Act and the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (see section 79(1)).

Article 6 inserts definitions relating to electronic communication into section 277 (interpretation) of the 1997 Act. Consequential upon the insertion of a new definition of “address”, article 5 makes minor amendments to sections 125(3) and 272(2) of the 1997 Act, to ensure that requirements in those sections to give an address can be fulfilled only by giving a postal, and not an electronic, address. Article 6 also makes provision as to when electronic communications are deemed to have been received.

Articles 7 to 8 modify certain provisions in Schedules 9 and 10 to the 1997 Act in relation to the use of electronic communications for the purpose of making certain applications under those Schedules to a planning authority in relation to minerals.

Articles 9 to 11 modify certain provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the Listed Buildings Act”).

Article 9 makes parallel provision, in relation to section 35 of that Act, to that made by article 3 in relation to section 130 of the 1997 Act.

Article 10 makes amendments to section 79 of the Listed Buildings Act, consequential upon the amendments to section 271 of the 1997 Act. In particular it disapplies the use of electronic communications for service of certain notices, where criminal sanctions attach to failure to comply with those notices.

Article 11 makes amendments to section 81 (the interpretation section) of the Listed Buildings Act which are parallel to those made by article 6 in relation to the equivalent section in the 1990 Act.

Articles 12 to 21 give effect to the Schedules to this Order.

Schedule 1 amends the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 to authorise the use of electronic communications for giving certain notices under the Regulations, subject to specified conditions.

Schedule 2 amends the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 to authorise the use of electronic communications for sending certain plans, notices

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

and documents, etc., subject to specified conditions and to facilitate the use of websites by local planning authorities for certain purposes under those Regulations, subject to specified conditions.

Schedule 3 amends the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to authorise the use of electronic communications for making applications and sending certain notices under those Regulations, subject to specified conditions.

Schedule 4 amends the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Regulations 1987, made under the Listed Buildings Act, to authorise the use of electronic communications for making certain applications, or giving notice of appeal to the Scottish Ministers, under the Regulations, again subject to specified conditions.

Schedule 5 amends the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Regulations 1990, to authorise the use of electronic communications for giving statements or notices under those Regulations, subject to specified conditions.

Schedule 6 amends to the Town and Country Planning (General Permitted Development) (Scotland) Order 1997, to authorise the use of electronic communications for the purpose of certain applications under that Order, subject to specified conditions.

Schedule 7 makes provision amending the Town and Country Planning (Scotland) (General Development Procedure) (Scotland) Order 1997, so as to facilitate the use of electronic communications for making certain applications and appeals under the 1997 Act; to authorise the use of a website by the Scottish Ministers in relation to appeals under section 47 of the 1997 Act; and to facilitate the use of an electronic register by local planning authorities.

Schedule 8 amends the Town and Country Planning (Enforcement of Control) (No. 2) (Scotland) Regulations 1992, to authorise the use of electronic communications for sending certain notices etc., and for making certain appeals to the Scottish Ministers, subject in each case to specified conditions.

Schedules 9 and 10 amend rules governing the procedure for the conduct of certain inquiries under the 1997 Act. Schedule 9 amends the Town and Country Planning (Determination by Appointed Persons) (Inquiries Procedure) (Scotland) Rules 1997. Schedule 10 amends the Town and Country Planning Appeals (Inquiries Procedure) (Scotland) Rules 1997. In each case, the amendments facilitate the use of electronic communications for service of notices and other documents, subject to conditions; authorise the supply of certain forms electronically by the Scottish Ministers; facilitate the use of websites for publication of certain documents and notices, again subject to certain specified conditions; authorise the use of electronic communications for notification of certain decisions, where the person to whom notification is to be given has consented; and, where electronic communications are used for certain purposes, relax the requirements for multiple copies of documents to be supplied.

Schedule 11 amends the Environmental Impact Assessment (Scotland) Regulations 1999 to authorise the use of electronic communications for making certain applications and sending certain notices subject to specified conditions under those Regulations; and to facilitate the use of websites by the Scottish Ministers or planning authorities and, where electronic communications are used for certain purposes, relax the requirements for multiple copies of documents to be supplied.