

2011 No. 379

TRIBUNALS AND INQUIRIES

**The Town and Country Planning (Inquiries Procedure)
(Scotland) Amendment Rules 2011**

Made - - - - - *27th October 2011*
Laid before the Scottish Parliament *31st October 2011*
Coming into force - - - *1st December 2011*

The Scottish Ministers make the following Rules in exercise of the powers conferred by section 9 of the Tribunals and Inquiries Act 1992(a) and of all other powers enabling them to do so.

In accordance with section 9 they have consulted the Administrative Justice and Tribunals Council and that Council has consulted its Scottish Committee.

Citation and commencement

1. These Rules may be cited as the Town and Country Planning (Inquiries Procedure) (Scotland) Amendment Rules 2011 and come into force on 1st December 2011.

Amendment of the Town and Country Planning (Inquiries Procedure) (Scotland) Rules 1997

2.—(1) The Town and Country Planning (Inquiries Procedure) (Scotland) Rules 1997(b) are amended in accordance with paragraphs (2) and (3).

(2) In rule 2(2) (application of rules)—

- (a) in paragraph (a) after “Act” insert “or section 11 of the Listed Buildings Act”; and
- (b) after paragraph (b) insert—

“(ba) held for the purposes of an appeal made under—

- (i) section 18(1) of the Listed Buildings Act (appeals against refusal of or conditional consent to applications for listed building consent or against refusal of approval required by a condition);
- (ii) section 18(2) of the Listed Buildings Act (appeals in default of decision on application for listed building consent or for approval required by a condition);
- (iii) section 18(1) and (2) of the Listed Buildings Act as applied by—
 - (aa) section 17 of that Act (applications for variation or discharge of conditions); or

(a) 1992 c.53. The functions of the Lord Advocate were transferred to the Secretary of State by S.I. 1999/678. 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).
(b) S.I. 1997/796 as amended by S.I. 1998/2311, S.S.I. 2004/332 and 2009/212.

- (bb) section 66 of that Act (control of demolition of buildings in conservation areas);
- (iv) section 35 of the Listed Buildings Act (appeals against listed building enforcement notices); and
- (v) section 35 of the Listed Buildings Act as applied by section 66 of that Act (appeals against enforcement notices in respect of the demolition of buildings in conservation areas),

where notice of appeal is given to the Scottish Ministers under section 19(1) or 35(2) of the Listed Buildings Act, as the case may be, on or after 1st December 2011;”.

(3) In rule 3 (interpretation) in the definition of “referred application” omit “under section 11 of the Listed Buildings Act (listed building consent),”.

Amendment of the Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Rules 1997

3.—(1) The Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Rules 1997(a) are amended in accordance with paragraph (2).

(2) In rule 2(2) (application of rules) after paragraph (a) insert—

“(aa) held for the purposes of an appeal made under—

- (i) section 18(1) of the Listed Buildings Act (appeals against refusal of or conditional consent to applications for listed building consent or against refusal of approval required by a condition);
- (ii) section 18(2) of the Listed Buildings Act (appeals in default of decision on application for listed building consent or for approval required by a condition);
- (iii) section 18(1) and (2) of the Listed Buildings Act as applied by—
 - (aa) section 17 of that Act (applications for variation or discharge of conditions); or
 - (bb) section 66 of that Act (control of demolition of buildings in conservation areas);
- (iv) section 35 of the Listed Buildings Act (appeals against listed building enforcement notices); and
- (v) section 35 of the Listed Buildings Act as applied by section 66 of that Act (appeals against enforcement notices in respect of the demolition of buildings in conservation areas),

where notice of appeal is given to the Scottish Ministers under section 19(1) or 35(2) of the Listed Buildings Act, as the case may be, on or after 1st December 2011;”.

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
27th October 2011

(a) S.I. 1997/750 as amended by S.I. 1998/2312, S.S.I. 2004/332 and 2009/212.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Town and Country Planning (Inquiries Procedure) (Scotland) Rules 1997 and the Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Rules 1997. The amendments made by rules 2 and 3 provide that those Rules do not apply to inquiries held in connection with the consideration of applications or appeals under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 whose procedure is regulated by the Town and Country Planning (Appeals) (Scotland) Regulations 2008.

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