

POLICY NOTE

The Planning (Scotland) Act (Actual Dates) Regulations 2019 SSI 2019/410

The above instrument was made in exercise of the powers conferred by section 60(2) and (3) of the Planning (Scotland) Act 2019. The instrument is subject to no procedure.

These Regulations insert actual dates instead of descriptions of dates in relation to two provisions made by the Planning (Scotland) Act 2019:

- **the date from which all Ministerial directions must be published, with reasons, and**
- **the date from which Scottish Ministers have 7 years to establish an Infrastructure Levy, or the powers cease to have effect.**

Policy Objectives

Section 60 of the Planning (Scotland) Act 2019 (“the Act”) gives the Scottish Ministers powers to make regulations to replace certain descriptions of dates in the primary legislation with actual dates. These descriptions refer to the date on which the Bill for the Act received Royal Assent, or the date on which particular sections of the Act came into force. Replacing the descriptions with the actual dates will help readers of the Act to know when the provisions apply, without having to look elsewhere to find the dates of commencement or Royal Assent.

Regulation 2 applies to section 275B of the Town and Country Planning (Scotland) Act 1997, inserted by section 49 of the Act. This requires the Scottish Ministers to publish any direction given in exercise of a power conferred by virtue of the 1997 Act, and their reasons for giving it. Subsection (2)(b) provides that the requirement does not apply in relation to a direction given before the day that section 49 of the Act comes into force. Section 49 was brought into force on 1 December 2019 by the Planning (Scotland) Act 2019 (Commencement No.3) Regulations 2019 (SSI 2019/395).

Regulation 3 applies to section 58 of the Act. Section 54 of the Act gives the Scottish Ministers powers to make regulations to establish an infrastructure levy. Section 58 provides that the power conferred by section 54 ceases to be exercisable if no regulations have been made under it within the period of 7 years beginning with the day that the Bill for the Act receives Royal Assent. Royal Assent was given on 25 July 2019.

Consultation

As these regulations are for clarity and make no practical difference to the provisions, no consultation has been carried out in relation to this instrument.

Impact Assessments

As these regulations are for clarity and make no practical difference to the provisions, no impact assessments have been carried out in relation to this instrument.

Financial Effects

The Minister for Local Government, Housing and Planning confirms that no BRIA is necessary, as these regulations are for clarity and make no practical difference to the provisions.

Scottish Government
Directorate for Local Government and Communities

2 December 2019