

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 100

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021

Made - - - - 22nd February 2021
Laid before the Scottish Parliament - - - - 24th February 2021
Coming into force - - 30th March 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 58(3D) and 59(8D) of the Town and Country Planning (Scotland) Act 1997 ^{M1}, section 16(7) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ^{M2}, section 12(9) of the Coronavirus (Scotland) Act 2020 ^{M3}, section 9(9) of the Coronavirus (Scotland) (No. 2) Act 2020 ^{M4} and all other powers enabling them to do so.

Marginal Citations

- M1** 1997 c.8. Sections 58(3D) and 59(8D) have effect by virtue of paragraphs 8 to 10 of schedule 7 of the [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#). The definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) were amended by [S.S.I. 2020/254](#).
- M2** 1997 c.9. Section 16(6) was inserted by, and section 16(7) has effect by virtue of, paragraph 2 of schedule 4 of the [Coronavirus \(Scotland\) \(No. 2\) Act 2020 \(asp 10\)](#). The definitions of “emergency period” and “extended period” in section 16(6) were amended by [S.S.I. 2020/254](#).
- M3** [2020 asp 7](#).
- M4** [2020 asp 10](#).

Citation, commencement and interpretation **S**

1.—(1) These Regulations may be cited as the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021 and come into force on 30 March 2021.

(2) In these Regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1997, and

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021. (See end of Document for details)

Commencement Information

I1 [Reg. 1](#) in force at 30.3.2021, see [reg. 1\(1\)](#)

Amendment of the definition of “emergency period” S

2.—(1) In the definition of “emergency period” in section 58(3C) (duration of planning permission) of the Act, for “31 March 2021” substitute “ 30 September 2021 ”.

(2) In the definition of “emergency period” in section 59(8C) (planning permission in principle) of the Act, for “31 March 2021” substitute “ 30 September 2021 ”.

(3) In the definition of “emergency period” in section 16(6) (duration of listed building consent) of the Listed Buildings Act, for “31 March 2021” substitute “ 30 September 2021 ”.

Commencement Information

I2 [Reg. 2](#) in force at 30.3.2021, see [reg. 1\(1\)](#)

Amendment of the definition of “extended period” S

3.—(1) In the definition of “extended period” in section 58(3C) of the Act for “30 September 2021” substitute 31 March 2022.

(2) In the definition of “extended period” in section 59(8C) of the Act for “30 September 2021” substitute “ 31 March 2022 ”.

(3) In the definition of “extended period” in section 16(6) of the Listed Buildings Act for “30 September 2021” substitute “ 31 March 2022 ”.

Commencement Information

I3 [Reg. 3](#) in force at 30.3.2021, see [reg. 1\(1\)](#)

Saving provisions – planning permission S

^{F1}4.

Textual Amendments

F1 [Reg. 4](#) revoked (29.9.2021) by [The Town and Country Planning \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/292\)](#), [regs. 1\(1\)](#), [6\(2\)\(a\)](#)

Commencement Information

I4 [Reg. 4](#) in force at 30.3.2021, see [reg. 1\(1\)](#)

Saving provisions – listed building consent S

^{F2}5.

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Textual Amendments

F2 Reg. 5 revoked (29.9.2021) by [The Town and Country Planning \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/292\)](#), regs. 1(1), **6(2)(a)**

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Commencement Information

I5 Reg. 5 in force at 30.3.2021, see reg. 1(1)

St Andrew's House,
Edinburgh

AILEEN CAMPBELL
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) of the Town and Country Planning (Scotland) Act 1997 (“the Act”), as it has effect by virtue of paragraphs 8 to 10 of schedule 7 of the Coronavirus (Scotland) Act 2020, and in section 16(6) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the Listed Buildings Act”), as inserted by paragraph 2 of schedule 4 of the Coronavirus (Scotland) (No. 2) Act 2020.

As currently defined by sections 58(3C) and 59(8C) of the Act, as amended by S.S.I. 2020/254, the “emergency period” began on 7 April 2020 and would end on 31 March 2021 and the “extended period” began on 7 April 2020 and would end on 30 September 2021. As amended by these Regulations the “emergency period” is the period which began on 7 April 2020 and will end on 30 September 2021 and the “extended period” is the period which began on 7 April 2020 and will end on 31 March 2022.

As currently defined by section 16(6) of the Listed Buildings Act, as amended by S.S.I. 2020/254, the “emergency period” began on 27 May 2020 and would end on 31 March 2021 and the “extended period” began on 27 May 2020 and would end on 30 September 2021. As amended by these Regulations the “emergency period” is the period which began on 27 May 2020 and will end on 30 September 2021 and the “extended period” is the period which began on 27 May 2020 and will end on 31 March 2022.

Regulation 4 makes saving provisions in respect of planning permissions granted before the expiry of the emergency period. The provisions of sections 58 and 59 of the Act, as they had effect immediately before the expiry of the Coronavirus (Scotland) Act 2020 continue to have effect, with modifications, in relation to the duration of planning permissions granted before the expiry of the emergency period. The modifications are that the powers to make regulations to further amend the definitions of “emergency period” and “extended period” will not continue to have effect after the expiry of the Coronavirus (Scotland) Act 2020.

Regulation 5 makes equivalent saving provisions in respect of listed building consents granted before the expiry of the emergency period. The provisions of section 16 of the Listed Buildings Act continue to have effect as immediately before the expiry of the Coronavirus (Scotland) Act (No. 2) 2020, with modifications in relation to the duration of listed building consent granted before the expiry of the emergency period. The modifications are that the powers to make regulations to further amend the definitions of “emergency period” and “extended period” will not continue to have effect after the expiry of the Coronavirus (Scotland) (No. 2) Act 2020.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021.