

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 101 (C. 4)

TOWN AND COUNTRY PLANNING

**The Planning (Scotland) Act 2019 (Commencement
No. 6 and Transitional Provision) Regulations 2021**

Made - - - - 22nd February 2021
*Laid before the Scottish
Parliament* - - - - 24th February 2021
Coming into force - - 1st April 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 63(2) and (3) of the Planning (Scotland) Act 2019 ^{M1}.

Marginal Citations

M1 2019 asp 13.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Scotland) Act 2019 (Commencement No. 6 and Transitional Provision) Regulations 2021 and come into force on 1 April 2021.

(2) In these Regulations—

“the Act” means the Planning (Scotland) Act 2019, and

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997 ^{M2}.

Commencement Information

I1 Reg. 1 in force at 1.4.2021, see reg. 1(1)

Marginal Citations

M2 1997 c.8. Section 35B was introduced into the Town and Country Planning (Scotland) Act 1997 by section 11 of the Planning etc. (Scotland) Act 2006 (asp 17).

Status: Point in time view as at 30/03/2022.

Changes to legislation: There are currently no known outstanding effects for the The Planning (Scotland) Act 2019 (Commencement No. 6 and Transitional Provision) Regulations 2021. (See end of Document for details)

Appointed day – material change of use – short term lets

2. The day appointed for the coming into force of section 17 (meaning of development: use of dwellinghouse for short-term lets) of the Act, in so far as not already in force, is 1 April 2021.

Commencement Information

I2 [Reg. 2](#) in force at 1.4.2021, see [reg. 1\(1\)](#)

Appointed day – pre-application consultation

3. Subject to regulation 4, the day appointed for the coming into force of section 18(3) (pre-application consultation) of the Act is [^{F1}1 October 2022].

Textual Amendments

F1 Words in [reg. 3](#) substituted (30.3.2022) by [The Planning \(Scotland\) Act 2019 \(Commencement No. 6 and Transitional Provision\) Amendment Regulations 2022 \(S.S.I. 2022/67\)](#), regs. 1, **2(2)**

Commencement Information

I3 [Reg. 3](#) in force at 1.4.2021, see [reg. 1\(1\)](#)

Transitional provision

4.—(1) Section 35B(3) (pre-application consultation: compliance) of the 1997 Act applies, as amended by section 18(3) of the Act, in relation to the submission of a relevant application with the modification that the maximum period of 18 months which is to elapse before the relevant application is submitted is to be treated as a reference to the period of 18 months beginning on [^{F2}1 October 2022] rather than to the period of 18 months after the giving of the proposal of application notice.

(2) In this regulation, “relevant application” means an application for planning permission in respect of which the prospective applicant has given a proposal of application notice to the planning authority before [^{F3}1 October 2022].

Textual Amendments

F2 Words in [reg. 4\(1\)](#) substituted (30.3.2022) by [The Planning \(Scotland\) Act 2019 \(Commencement No. 6 and Transitional Provision\) Amendment Regulations 2022 \(S.S.I. 2022/67\)](#), regs. 1, **2(3)(a)**

F3 Words in [reg. 4\(2\)](#) substituted (30.3.2022) by [The Planning \(Scotland\) Act 2019 \(Commencement No. 6 and Transitional Provision\) Amendment Regulations 2022 \(S.S.I. 2022/67\)](#), regs. 1, **2(3)(b)**

Commencement Information

I4 [Reg. 4](#) in force at 1.4.2021, 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 bring section 17 of the Planning (Scotland) Act 2019 (“the Act”) fully into force on 1 April 2021 and section 18(3) of the Act into force on 1 October 2021 subject to the transitional provision in regulation 4.

The Bill for the Act received Royal Assent on 25 July 2019. Sections 58 to 61, 63 and 64 came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Regulations)

The following provisions of the Planning (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Sections 1, 2 and 10	8 November 2019	S.S.I. 2019/314
Sections 3, 5, 7, 11, 14 and 62 and paragraph 9 of schedule 2 (for limited purposes)	8 November 2019	S.S.I. 2019/314
Sections 25 and 42	20 December 2019	S.S.I. 2019/377
Section 23	1 March 2020	S.S.I. 2019/377
Section 18(1), (2) and (4)	1 December 2019	S.S.I. 2019/385
Sections 20, 24, 29, 41, 47, 48, 49, 51, 52 and 53	1 December 2019	S.S.I. 2019/385
Sections 26, 62 and paragraph 9 of schedule 2 (for limited purposes)	1 December 2019	S.S.I. 2019/385
Sections 27 and 30	1 March 2020	S.S.I. 2019/385
Section 17, 62 and paragraph 9 of schedule 2 (for limited purposes)	18 May 2020	S.S.I. 2020/67
Section 26	18 May 2020	S.S.I. 2020/67
Section 34	18 November 2020	S.S.I. 2020/294
Section 37	18 November 2020	S.S.I. 2020/294

Status:

Point in time view as at 30/03/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Scotland) Act 2019 (Commencement No. 6 and Transitional Provision) Regulations 2021.