



Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

1972 CHAPTER 52

PART IV

ADDITIONAL CONTROL IN SPECIAL CASES

Waste land

63 Proper maintenance of waste land.

^{F1} If it appears to a planning authority that the amenity of any part of their district, or an ^{F2}(1) adjoining district, is adversely affected by the condition of any land in their district, they may serve on the owner, lessee and occupier of the land a notice under this section requiring such steps for abating the adverse effect as may be specified in the notice to be taken within such period as may be so specified.]

(1A) Service under subsection (1) above shall be effected by the service of a copy of the notice. . . ^{F3}

(1B) Subject to section 63A of this Act, a [^{F4}notice under this section] shall take effect on such date as may be specified in the notice, being a date not less than 28 days after the latest service thereof under subsection (1) above.

(1C) The planning authority may withdraw a [^{F4}notice under this section] (without prejudice to their power to serve another) at any time before it takes effect; and if they so withdraw it, they shall forthwith give notice of the withdrawal to every person on whom the notice was served.]

(2) No notice may be served under subsection (1) of this section with reference to any building which is—

- (a) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments, or

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- (b) a building for the time being included in a list of monuments published by the Secretary of State under any such enactment as aforesaid.
- (3) The provisions of [^{F5}section 88] of this Act shall, subject to any necessary modifications, apply in respect of a notice served under this section as they apply in respect of an enforcement notice served under section 84 of this Act.

Textual Amendments

- F1** S. 63(1)(1A)—(1C) substituted for s. 63(1) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 69\(2\), Sch. 2 para. 17\(a\)](#)
- F2** S. 63(1) substituted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\), s. 53\(1\), Sch. 11 Pt. II para. 32](#)
- F3** Words repealed by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\), s. 53\(2\), Sch. 12 Pt. IV](#)
- F4** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\), s. 53\(1\), Sch. 11 Pt. II para. 32\(2\)](#)
- F5** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 69\(2\), Sch. 2 para. 17\(b\)](#)

[^{F6}63A Appeals against waste land notices.

- (1) A person on whom a [^{F7}notice under section 63 of this Act] is served, or any other person having an interest in the land to which the notice relates, may at any time before the date specified in the notice as the date on which it is to take effect appeal to the Secretary of State against the notice, on any of the following grounds—
- [^{F8}(a) that neither the amenity of any part of the planning authority's district nor that of any adjoining district has been adversely affected;]
- (b) that the steps required by the notice to be taken exceed what is necessary to remedy any such [^{F9}adverse effect];
- (c) that the specified period for compliance with the notice falls short of what should reasonably be allowed;
- (d) that the condition of the land is attributable to, and such as results in the ordinary course of events from, a continuing lawful use of the land or from continuing lawful operations carried out thereon; or
- (e) that the notice was served other than in accordance with section 63 of this Act.
- (2) An appeal under this section shall be made by notice in writing to the Secretary of State.
- (3) The provisions of subsections (2A) to (2D) of section 85 of this Act shall apply to appeals under this section as they apply to appeals under that section.
- (4) On an appeal under this section the Secretary of State—
- (a) may correct any informality, defect or technical error in the notice if he is satisfied that it is not material; and
- (b) may disregard the failure of the planning authority to serve the notice upon a person upon whom it should have been served, if it appears to him that neither that person nor the appellant has been substantially prejudiced by that failure.
- (5) Where an appeal is brought under this section, the [^{F7}notice under section 63 of this Act] shall be of no effect pending the final determination, or the withdrawal, of the appeal.

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(6) In determining an appeal under this section the Secretary of State shall give such directions as seem to him appropriate; and these may include directions for quashing the notice or for varying its terms in favour of the appellant.]

[^{F10}(7) Subject to section 279 of this Act, Schedule 7 to this Act applies to appeals under this section.]

Textual Amendments

- F6** S. 63A inserted by Local Government and Planning (Scotland) Act 1982 (c. 43), s. 69(2), **Sch. 2 para. 18**
- F7** Words substituted by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(1), **Sch. 11 Pt. II para. 33(1)**
- F8** S. 63A(1)(a) substituted by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(1), **Sch. 11 Pt. II para. 33(2)**
- F9** Word substituted by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(1), **Sch. 11 Pt. II para. 33(3)**
- F10** S. 63A(7) inserted by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(1), **Sch. 11 Pt. II para. 34**

64— ^{F11}
83.

Textual Amendments

- F11** Ss. 64–83 repealed by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(2), **Sch. 12 Pt. IV**

Status:

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Changes to legislation:

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