



Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

1972 CHAPTER 52

PART XV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

260 Default powers of Secretary of State.

- (1) If it appears to the Secretary of State, after consultation with the . . . ^{F1} planning authority, to be expedient that any order to which this subsection applies should be made, he . . . ^{F2} may himself make such an order; and any order so made by the Secretary of State shall have the like effect as if it had been made by the . . . ^{F1} planning authority and confirmed by the Secretary of State under Part III or IV of this Act [^{F3}or, in the case of a tree preservation order under section 58 of this Act, as if it had been made and confirmed by the planning authority].
- (2) Subsection (1) of this section applies to the following orders, that is to say—
 - (a) orders under section 42 of this Act, or under the provisions of that section as applied by any order or regulations made under Part IV of this Act;
 - (b) orders under section 49 of this Act;
 - [^{F4}(ba) orders under section 49A of this Act;
 - (bb) orders under section 49B of this Act;]
 - (c) tree preservation orders and orders amending or revoking them.
- (3) The provisions of Part III or Part IV of this Act, and of any regulations made thereunder, with respect to the procedure to be followed in connection with the submission by the . . . ^{F1} planning authority of any order to which subsection (1) of this section applies, with respect to the confirmation of such an order by the Secretary of State, and with respect to the service of copies thereof as so confirmed, shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make such an order by virtue of subsection (1) of this section, in

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Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

relation to the making thereof by the Secretary of State, and in relation to the service of copies thereof as so made.

- (4) Without prejudice to subsection (3) of this section, where the Secretary of State proposes under subsection (1) of this section to make any such order as is mentioned in subsection (2)(a) or (b) of this section he shall serve a notice of the proposal on the . . . ^{F1} planning authority; and if within such period as may be specified in the notice (not being less than twenty-eight days from the date of service) the authority so require, the Secretary of State before making the order shall afford to the authority an opportunity of appearing before, and being heard by, a person appointed by him for the purpose.
- (5) If it appears to the Secretary of State, after consultation with the . . . ^{F1} planning authority, to be expedient that—
- (a) a completion notice under section 41 of this Act; or
 - (b) . . . ^{F5}
 - (c) an enforcement notice under section 84 of this Act, . . . ^{F2}; or
 - (d) a stop notice under section 87 of this Act; or
 - (e) a listed building enforcement notice,

should be served in respect of any land, he . . . ^{F2} may himself serve such a notice; and any notice so served by the Secretary of State shall have the like effect as a notice served by the . . . ^{F1} planning authority:

Provided that, in relation to an enforcement notice under section 84 of this Act or a listed building enforcement notice which is served by the Secretary of State, the provisions of sections 86, 88 and 89, or, as the case may be, of sections 94 and 95 of this Act shall apply as if for any reference therein to the . . . ^{F1} planning authority there were substituted a reference to the Secretary of State.

- (6) ^{F6}

Textual Amendments

- F1** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)
- F2** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F3** Words inserted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\), s. 53\(1\), Sch. 11 Pt. II para. 51](#)
- F4** [S. 260\(2\)\(ba\)\(bb\)](#) inserted by [Town and Country Planning \(Minerals\) Act 1981 \(c. 36\) s. 35, Sch. 2 para. 10](#)
- F5** [S. 260\(5\)\(b\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F6** [S. 260\(6\)\(7\)](#) repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\), Sch. 4](#)

[^{F7} Interdicts restraining breaches of planning control]

Textual Amendments

- F7** [S. 260A](#) and cross heading inserted (26.3.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), s.35](#) (with [s. 84\(5\)](#)); [S.I. 1992/334, art. 4](#).

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

[^{F8}**260A** Interdicts restraining breaches of planning control.

- (1) Whether or not they have exercised or propose to exercise any of their other powers under this Act, a planning authority may seek to restrain or prevent any actual or apprehended breach of any of the controls provided for by or under this Act by means of an application for interdict.
- (2) On an application under subsection (1) of this section the court may grant such interdict as it thinks appropriate for the purpose of restraining or preventing the breach.
- (3) In this section “the court” means the Court of Session or the sheriff.]

Textual Amendments

F8 S. 260A and cross heading inserted (26.3.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\)](#), [s.35](#) (with [s. 84\(5\)](#)); [S.I. 1992/334](#), [art. 4](#).

261 ^{F9}

Textual Amendments

F9 S. 261 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

[^{F10}**262** Designation of conservation areas.

- (1) Every planning authority shall from time to time determine which parts of their district are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate such areas as conservation areas.
- (2) ^{F11}
- (4) The Secretary of State may from time to time, after consultation with a planning authority, determine that any part of the authority’s district which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a conservation area.
- (5) Before making a determination under this section, a planning authority shall consult the planning authority of each district of which any part is included in the area to which the proposed determination relates.
- (6) A planning authority shall give notice to the Secretary of State of the designation of any part of their district as a conservation area under subsection (1) or (2) above, and of any variation or cancellation of any such designation, and the Secretary of State shall give notice to a planning authority of the designation of any part of their district as a conservation area under subsection (4) above, and of any variation or cancellation of any such designation; and a notice under this subsection shall contain sufficient particulars to identify the area affected.
- (7) Notice of any such designation, variation or cancellation as is mentioned in subsection (6) above, with particulars of its effect, shall be published in the Edinburgh

Status: Point in time view as at 30/08/1995.

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Gazette and in at least one newspaper circulating in the district of the planning authority, by that authority or, as the case may be, the Secretary of State.

- (8) Where any area is for the time being designated as a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in that area, of any powers under this Act, Part I of the ^{M1}Historic Buildings and Ancient Monuments Act 1953 or the ^{M2}Local Authorities (Historic Buildings) Act 1962.
- (9) Every planning authority shall compile and keep available for public inspection free of charge at reasonable hours and at a convenient place a list containing such particulars as the Secretary of State may determine of any area in their district which has been designated as a conservation area.]

Textual Amendments

- F10** Ss. 262, 262A, 262B substituted for s. 262 by [Town and Country Amenities Act 1974 \(c. 32\), s. 2\(1\)](#)
- F11** Ss. 262(2)(3), 262A(3), 262B(3) repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), Sch. 4 Pt. I](#)

Marginal Citations

- M1** 1953 c. 49.
- M2** 1962 c. 36.

262A [F12] **Control of demolition in conservation areas.**

- (1) This section applies to all buildings in conservation areas other than—
- (a) listed buildings, and
 - (b) excepted buildings within the meaning of section 56(2) of this Act, and
 - (c) buildings in relation to which a direction under subsection (4) below is for the time being in force.
- (2) A building to which this section applies shall not be demolished without the consent of the appropriate authority.
- (3) ^{F13}
- (4) The Secretary of State may direct that this section shall not apply to a description of buildings specified in the direction. . . ^{F14}.
- (5) A direction under subsection (4) above relating to a description of buildings may be given either to an individual planning authority or to planning authorities generally.
- (6) The Secretary of State may vary or revoke a direction under subsection (4) above by a further direction under that subsection.
- (7) The appropriate authority for the purposes of this section is—
- (a) in relation to applications for consent made by planning authorities, the Secretary of State; and
 - (b) in relation to other applications, the planning authority or the Secretary of State.
- (8) The following provisions of this Act, namely—
- [^{F15}sections 53 to 54D and 56AA]

Status: Point in time view as at 30/08/1995.

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[^{F15}sections 92 to 96]
section 161,
section 179,
[^{F16}sections 231 and 233, section 242]
section 253(1)(b) [^{F16}, (4) and (5), section 257],
Parts I and II of Schedule 10,
Schedule 17 [^{F16}Part IV of Schedule 19],

shall have effect in relation to buildings to which this section applies as they have effect in relation to listed buildings; but regulations may provide that they shall have effect in relation to buildings to which this section applies subject to such exceptions and modifications as may be prescribed.

- (9) Any such regulations may make different provision—
- (a) in relation to applications made by planning authorities, and
 - (b) in relation to other applications.
- (10) Any proceedings on or arising out of an application for listed building consent made while this section applies to a building shall lapse when it ceases to apply to it, and any listed building consent granted with respect to the building shall also lapse; but the fact that this section has ceased to apply to a building shall not affect the liability of any person to be prosecuted and punished for an offence under section 53 or 94 of this Act committed by him with respect to the building while this section applied to it.]

Textual Amendments

- F12** Ss. 262 262A 262B substituted for s. 262 by [Town and Country Amenity Act 1974 \(c. 32\)](#), **s. 2(1)**
- F13** Ss. 262(2)(3), 262A(3), 262B(3) repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), **Sch. 4 Pt. I**
- F14** Words repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), **Sch. 4 Pt. I**
- F15** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 50, **Sch. 9 Pt. II**, para. 21
- F16** Words inserted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 50, **Sch. 9 Pt. II**, para. 21

262B [^{F17}**Formulation and publication of proposals for preservation and enhancement of conservation areas.**

- (1) It shall be the duty of a planning authority to formulate and publish, [^{F18}from time to time] proposals for the preservation and enhancement of any parts of their district which are conservation areas.
- (2) Proposals under this section shall be submitted for consideration to a public meeting in the area to which they relate; and the planning authority shall have regard to any views concerning the proposals expressed by persons attending the meeting.
- (3) ^{F19}

Textual Amendments

- F17** Ss. 262 262A 262B substituted for s. 262 bt [Town and Country Amenities Act 1974 \(c. 32\)](#), **s. 2(1)**
- F18** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), **Sch. 2 para. 39**

Status: Point in time view as at 30/08/1995.

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F19 Ss. 262(2)(3), 262A(3), 262B(3) repealed by Local Government and Planning (Scotland) Act 1982 (c. 43), **Sch. 4 Pt. I**

[^{F20}262C National Scenic Areas.

^{F21}(1)

^{F21}(2)

(3) Every planning authority shall compile and make available for inspection free of charge at reasonable hours and at a convenient place a list containing such particulars as the Secretary of State may determine of any area in their district which has been designated as a [^{F22}Natural Heritage Area under section 6 of the Natural Heritage (Scotland) Act 1991].

(4) Where any area is for the time being designated as a [^{F23}Natural Heritage Area], special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under this Act.]

Textual Amendments

F20 S. 262C inserted by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(1), **Sch. 11 Pt. II para. 38**

F21 S. 262C(1)(2) repealed (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 27(2), **Sch.11** (with saving in s. 6(9)); S.I. 1991/2633, **art.4.**

F22 Words in s. 262C(3) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 6(8)(a) (with saving in s. 6(9)); S.I. 1991/2633, **art.4.**

F23 Words in s. 262C(4) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 6(8)(b) (with saving in s. 6(9)); S.I. 1991/2633, **art.4.**

[^{F24}263

Textual Amendments

F24 S. 263 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(6), 84(6), Sch. 12, para. 30, **Sch. 19, Pt.IV** (with s. 84(5)); S.I. 1991/2092, **art.3**

[^{F25}264

Textual Amendments

F25 S. 264 repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(6), 84(6), Sch. 12, para. 30, **Sch. 19, Pt.IV** (with s. 84(5)); S.I. 1991/2092, **art.3**

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265 Rights of entry.

- (1) Any person duly authorised in writing by the Secretary of State or by a . . . ^{F26} planning authority may at any reasonable time enter upon any land for the purpose of surveying it in connection with—
- (a) the preparation, approval, adoption, making or amendment of a structure plan or local plan relating to the land under Part II of this Act, including the carrying out of any survey under that Part;
 - (b) any application under Part III or section [^{F27F28} . . . 61] of this Act, or under any order or regulations made thereunder, for any permission, consent or determination to be given or made in connection with that land or any other land under Part III or [^{F29} section 61] of this Act or under any such order or regulations;
 - (c) any proposal by the . . . ^{F26} planning authority or by the Secretary of State to make or serve any order or notice under Part III (other than section [^{F30} 41]), Part IV [^{F31} other than sections 58 to 60] or [^{F32} sections 92 to 97BC and 101] of this Act, or under any order or regulations made thereunder or any notice under section 105 of this Act.
- [^{F33}(1A) Any person duly authorised in writing by the Secretary of State or by a planning authority may at any reasonable time enter any land for the purpose of surveying it in connection with—
- (a) any application for hazardous substances consent;
 - (b) any proposal to issue a hazardous substances contravention notice.]
- (2) Any person duly authorised in writing by the Secretary of State may at any reasonable time enter upon any land for the purpose of surveying any building [^{F34} on that or any other land] in connection with a proposal to include the building in, or exclude it from, a list compiled or approved under section 52 of this Act.
- [^{F35}(2A) Any person duly authorised in writing by the Secretary of State or the planning authority may at any reasonable time enter upon any land for the purpose—
- ^{F36}(a) . . .
 - (b) of ascertaining whether a stop notice or an enforcement notice is being complied with.]
- (3) Any person duly authorised in writing by the Secretary of State or a . . . ^{F26} planning authority may at any reasonable time enter upon any land for the purpose of ascertaining whether, with respect to any building on [^{F37} that or any other land], an offence has been, or is being, committed under section 53 or 94 of, or Schedule 10 to, this Act, or whether the building is being maintained in a proper state of repair.
- (4) Any person duly authorised in writing by the Secretary of State, a . . . ^{F26} planning authority or a local authority may at any reasonable time enter upon any land for the purpose of ascertaining whether—
- (a) an offence appears to have been committed under section 55 of this Act; or
 - (b) any of the functions conferred by section 97 ^{F38} . . . of this Act should or may be exercised in connection with the land,
- or for the purpose of exercising any of those functions in connection with the land.
- [^{F39}(4A) Any person duly authorised in writing by the Secretary of State or by a planning authority may at any reasonable time enter any land for the purpose of ascertaining whether an offence appears to have been committed under section 56L of this Act.]

Status: Point in time view as at 30/08/1995.

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- (5) Any person, being an officer of the Valuation Office or a person duly authorised in writing by the Secretary of State, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation under ^{F40} . . . this Act in respect of that land or any other land.
- (6) Any person, being an officer of the Valuation Office or a person duly authorised in writing by a . . . ^{F26} planning authority, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with a claim for compensation in respect of that land or any other land, being compensation payable by the . . . ^{F26} planning authority under Part VIII of this Act (other than section 164), under section 201(5) of this Act or under Part XI of this Act (other than section [^{F41}163 or] 226(2) or 227(1)(c)).
- (7) Any person, being an officer of the Valuation Office or a person duly authorised in writing by a local authority or Minister authorised to acquire land under section 102 or 103 of this Act, and any person duly authorised in writing by a local authority having power to acquire land under Part VI of this Act, may at any reasonable time enter upon any land for the purpose of surveying it, or estimating its value, in connection with any proposal to acquire that land or any other land, or in connection with any claim for compensation in respect of any such acquisition.
- [^{F42}(7A) Any person duly authorised in writing by the Secretary of State or a planning authority may at any reasonable time enter any land in respect of which a hazardous substances contravention notice has been served for the purpose of ascertaining whether the notice has been complied with.]
- (8) Subject to the provisions of section 266 of this Act, any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein.
- [^{F43}(9) In subsection (1) (except as regards paragraph (a)) and in subsection (6) of this section “planning authority” includes a regional planning authority.]

Textual Amendments

- F26** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)
- F27** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), Sch. 2 para. 40\(a\)\(i\)](#)
- F28** Words in s. 265(1)(b) repealed (26.3.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), ss. 61, 84\(6\), Sch. 13, para. 38\(a\)\(i\), Sch. 19, Pt. IV \(with s. 84\(5\)\); S.I. 1992/334, art. 4, Schs. 1, 2](#)
- F29** Words in s. 265(1)(b) substituted (26.3.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), s. 61, Sch. 13, para. 38\(a\)\(ii\) \(with s. 84\(5\)\); S.I. 1992/334, art. 4, Sch. 2](#)
- F30** Word substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), Sch. 2 para. 40\(a\)\(ii\)](#)
- F31** Words in s. 265(1)(c) inserted (26.3.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), s. 61, Sch. 13, para. 38\(b\)\(i\) \(with s. 84\(5\)\); S.I. 1992/334, art. 4, Sch. 2](#)
- F32** Words in s. 265(1)(c) substituted (26.3.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), s. 61, Sch. 13, para. 38\(b\)\(ii\) \(with s. 84\(5\)\); S.I. 1992/334, art. 4, Sch. 2](#)
- F33** S. 265(1A) inserted (1.5.1993) by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\), s. 37, Sch. 7 Pt. II para. 5\(a\); S.I. 1993/273, art.5\(2\)](#)
- F34** Word in s. 265(2) substituted (26.3.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), s. 57, Sch. 10, para. 12\(a\) \(with s. 84\(5\)\); S.I. 1992/334, art. 4, Sch. 2](#)
- F35** S. 265(2A) inserted by [Town and Country Planning \(Scotland\) Act 1977 \(c. 10\), s. 5\(3\)](#)

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- F36** S. 265(2A)(a) repealed (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, 84(6), Sch. 13, para. 38(c), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1992/334, art. 4, Schs. 1, 2
- F37** Words in s. 265(3) substituted (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 57, **Sch. 10 para. 12(b)** (with s. 84(5)); S.I. 1992/334, art. 4, **Sch. 2**
- F38** Words in s. 265(4)(b) repealed (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, 84(6), Sch. 13, para. 38(d), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1992/334, art. 4, Schs. 1, 2
- F39** S. 265(4A) inserted (1.5.1993) by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 37, **Sch. 7 Pt. II para. 5(b)**; S.I. 1993/273, **art.5(2)**
- F40** Words in s. 265(5) repealed (25. 9. 1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 61, 84(6), Sch. 13, para. 38(e), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1991/2092, **art. 3**
- F41** Words in s. 265(6) inserted (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, **Sch. 13**, para. 38(f) (with s. 84(5)); S.I. 1992/334, art. 4, **Sch. 2**
- F42** S. 265(7A) inserted (1.5.1993) by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 37, **Sch. 7 Pt. II para. 5(c)**; S.I. 1993/273, **art.5(2)**
- F43** S. 265(9) added by Local Government and Planning (Scotland) Act 1982 (c. 43), **Sch. 2 para. 40 (b)**

Modifications etc. (not altering text)

- C1** S. 265(8), 266(1)–(3)(6) extended with modifications by Telecommunications Act 1984 (c. 12, SIF 96), s. **38(2)**

266 Supplementary provisions as to rights of entry.

- (1) A person authorised under section 265 of this Act to enter upon any land shall, if so required, produce evidence of his authority [^{F44}and state the purpose of his entry] before so entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.
- (2) Any person who wilfully obstructs a person acting in the exercise of his powers under section 265 of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F45}level 3 on the standard scale].
- (3) If any person who, in compliance with the provisions of section 265 of this Act, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter the [^{F46}land], be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both.
- (4) Where any [^{F47}damage is caused to land or moveable property] in the exercise of a right of entry conferred under section 265 of this Act, or in the making of any survey for the purpose of which any such right of entry has been so conferred, compensation [^{F47}may be recovered by any person suffering the damage] from the Secretary of State or authority on whose behalf the entry was effected.
- (5) The provisions of section 168 of this Act shall apply in relation to compensation under subsection (4) of this section as they apply in relation to compensation under Part VIII of this Act.
- (6) Where under section 265 of this Act a person proposes to carry out any works authorised by virtue of subsection (8) of that section—

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- (a) he shall not carry out those works unless notice of his intention to do so was included in the notice required by subsection (1) of this section; and
- (b) if the land in question is held by statutory undertakers, and those undertakers object to the proposed works on the grounds that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

Textual Amendments

- F44** Words in s. 266(1) inserted (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, **Sch. 13**, para. 39(a) (with s. 84(5)); S.I. 1992/334, art. 4, **Sch. 2**
- F45** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 289G** (as inserted by Criminal Justice Act 1982 (c. 48), **s. 54**)
- F46** Words in s. 266(3) substituted (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, **Sch. 13**, para. 39(b) (with s. 84(5)); S.I. 1992/334, art. 4, **Sch. 2**
- F47** Words in s. 266(4) substituted (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), **s. 43(2)** (with s. 84(5)); S.I. 1992/334, art. 4, **Sch. 2**.

Modifications etc. (not altering text)

- C2** S. 265(8), 266(1)–(3)(6) extended with modifications by Telecommunications Act 1984 (c. 12, SIF 96), **s. 38(2)**
- C3** S. 266(1)–(5) amended by Refuse Disposal (Amenity) Act 1978 (c. 3), **s. 8(4)**
- C4** S. 108(2), 117–119, 121, 138, 154(3), 170–172, 175, 181, 195(6), 198(3), 199(2), 202(3), 205, 211, 212, 214, 216–230, 233(7), 242, 259, 266(6)(b), 275(2), Sch. 8, Sch. 17 para. 1–3, Sch. 18 extended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xxv) (with **Sch. 8 para. 33**)
 S. 266(6)(b) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xix)**; S.I. 1996/218, **art. 2**
- C5** S. 202(3), 205, 211, 212, 214–230, 233(7), 242, 266(6)(b), 275(2), Sch. 8, Sch. 17 paras. 1–3 amended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 1(1)(xxiii) (with s. 112(3), Sch. 17 paras. 33, **35(1)**)
- C6** Ss. 214–227, 266(6)(b), 275(2), Sch. 8 modified by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), **Sch. 7 para. 2(9)(f)** (with Sch. 8 para. 33)
 S. 266(6)(b) modified (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(10)(d)**; S.I. 1996/218, **art. 2**
- C7** Ss. 214–227, 266(6)(b), 275(2), Sch. 8 modified by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 3(2)(e) (with s. 112(3), Sch. 17 paras. 33, **35(1)**)
- C8** S. 266(6)(b) extended by Civil Aviation Act 1982 (c. 16), **Sch. 2 para. 4**

267 Local inquiries.

- (1) Subject to the provisions of this section, the Minister may cause a local inquiry to be held for the purposes of the exercise of any of his functions under any of the provisions of this Act.
- (2) The Minister shall appoint a person to hold the inquiry and to report thereon to him.
- (3) Notification of the time when and the place where the inquiry is to be held shall be sent to any person who has lodged and has not withdrawn objections in relation to any matter in question at the inquiry, and shall be published in such newspaper or newspapers as the Minister may direct.
- (4) The person appointed to hold the inquiry may, on the motion of any party thereto or of his own motion, serve a notice in writing on any person requiring him to attend at

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry:

Provided that—

- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him; and
 - (ii) nothing in this subsection shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- (5) The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.
- (6) Any person who refuses or wilfully neglects to attend in obedience to a notice under subsection (4) of this section or to give evidence or who wilfully alters, suppresses, conceals, destroys, or refuses to produce, any book or document which he may be required to produce by any such notice shall be liable on summary conviction to a fine not exceeding [^{F48}level 2 on the standard scale] or to imprisonment for a period not exceeding three months.
- [^{F49}(7) The Minister may make orders as to the expenses incurred—
- (a) by the Minister in relation to—
 - (i) the inquiry;
 - (ii) arrangements made for an inquiry which does not take place; and
 - (b) by the parties to the inquiry,
- and as to the parties by whom any of the expenses mentioned in paragraphs (a) and (b) above shall be paid.
- (7A) What may be recovered by the Minister is the entire administrative expense of the inquiry, so that, in particular—
- (a) there shall be treated as expenses incurred in relation to the inquiry such reasonable sum as the Minister may determine in respect of the general staff expenses and overheads of his department, and
 - (b) there shall be treated as expenses incurred by the Minister holding the inquiry any expenses incurred in relation to the inquiry by any other Minister or Government department and, where appropriate, such reasonable sum as that Minister or department may determine in respect of general staff expenses and overheads.
- (7B) The Minister may by regulations prescribe for any description of inquiry a standard daily amount and where an inquiry of that description does take place what may be recovered is—
- (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which the inquiry sits or the person appointed to hold the inquiry is otherwise engaged on work connected with the inquiry,

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- (b) expenses actually incurred in connection with the inquiry on travelling or subsistence allowances or the provision of accommodation or other facilities for the inquiry, and
 - (c) any expenses attributable to the appointment of an assessor to assist the person appointed to hold the inquiry, and
 - (d) any legal expenses or disbursements incurred or made by or on behalf of the Minister in connection with the inquiry.]
- (8) Any order of the Minister under subsection (7) of this section requiring any party to pay expenses may be enforced in like manner as if^{F50} an extract registered decree arbitral bearing a warrant for the execution issued by the sheriff court of any sheriffdom in Scotland].
- (9) In this section the expression “Minister” means the Secretary of State, or any other Minister authorised under this Act to hold a local inquiry.

Textual Amendments

- F48** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) ss. 289C(4) (5), 289G
- F49** [S. 267\(7\)–\(7B\)](#) substituted for s. 267(7) by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 53(1), [Sch. 11 Pt. II para. 39\(1\)](#)
- F50** Words substituted by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1), [Sch. 6 para. 15](#)

Modifications etc. (not altering text)

- C9** [S. 267](#) extended by [Scottish Development Agency Act 1975 \(c. 69\)](#), s. 7(7); amended by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\)](#), s. 8(4); excluded by [Civil Aviation Act 1982 \(c. 16\)](#), s. 103

[^{F51}267A Orders as to expenses of parties where no local inquiry held.

- (1) The Secretary of State has the same power to make orders under section 267(7) above in relation to proceedings to which this section applies which do not give rise to a local inquiry as he has in relation to a local inquiry.
- (2) This section applies to proceedings under this Act where the Secretary of State is required before reaching a decision, to afford any person an opportunity of appearing before and being heard by a person appointed by him.]

Textual Amendments

- F51** [S. 267A](#) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 53(1), [Sch. 11 Pt. II para. 40](#)

[^{F52}267B Procedure on certain appeals and applications.

- (1) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings under this Act where he is required, before reaching a decision, to afford any person an opportunity of appearing before and being heard by a person appointed by him and which are to be disposed of without an inquiry or hearing to which rules under section 11 of the Tribunals and Inquiries Act^{M3} 1971 apply.
- (2) The regulations may in particular make provision as to the procedure to be followed—

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- (a) where steps have been taken with a view to the holding of such an inquiry or hearing which does not take place, or
 - (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Secretary of State and the proceedings are the subject of a direction that the matter shall instead be determined by the Secretary of State, or
 - (c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,
- and may provide that such steps shall be treated as compliance, in whole or in part, with the requirements of the regulations.
- (3) The regulations may also—
- (a) provide for a time limit within which any party to the proceedings must lodge written submissions and any supporting documents;
 - (b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Secretary of State to give directions setting the time limit in a particular case or class of case;
 - (c) empower the Secretary of State to proceed to a decision taking into account only such written submissions and supporting documents as were lodged within the time limit; and
 - (d) empower the Secretary of State, after giving the parties written notice of his intention to do so, to proceed to a decision notwithstanding that no written submissions were lodged within the time limit, if it appears to him that he has sufficient material before him to enable him to reach a decision on the merits of the case.]

Textual Amendments

F52 S. 267B inserted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 53(1), [Sch. 11 Pt. II para. 41](#)

Marginal Citations

M3 1971 c.62.

268 Inquiries under Private Legislation Procedure (Scotland) Act 1936.

- (1) Where the Ministers concerned so direct—
- (a) any inquiry in relation to an order under this Act which in certain events becomes subject to special parliamentary procedure, and
 - (b) any hearing in connection with—
 - (i) an appeal against the refusal, or the grant, subject to conditions, of an application by statutory undertakers for planning permission to develop operational land, or
 - (ii) such an application made by statutory undertakers and referred to the Secretary of State, or
 - (iii) the revocation or modification of planning permission to develop operational land granted to statutory undertakers,
- shall be held by Commissioners under the ^{M4}Private Legislation Procedure (Scotland) Act 1936.

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- (2) Any such direction shall be deemed to have been given under section 2, as read with section 10, of the ^{M5}Statutory Orders (Special Procedure) Act 1945.
- (3) Subsections (5) and (6) of section 225 of this Act shall not apply to an order such as is mentioned in subsection (1)(a) above.
- (4) Nothing in subsections (2) to (9) of section 267 of this Act shall apply to any inquiry to which subsection (1)(a) above applies.
- (5) The provisions of the said Act of 1945 in relation to the publication of notices in the Edinburgh Gazette and in a newspaper shall, notwithstanding anything contained in that Act, not apply to any order under this Act which is subject to special parliamentary procedure.

Modifications etc. (not altering text)

C10 S. 268 amended by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\), s. 8\(4\)](#)

Marginal Citations

M4 1936 c. 52

M5 1945 (9 and 10 Geo. 6 c. 18.

269 Service of notices.

- (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either—
 - (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
 - (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address; or
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address; or
 - (d) in the case of a person on whom the notice is required to be served as being a person appearing from the valuation roll to have an interest in land, by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his address as entered in the valuation roll; or
 - (e) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—
 - (a) being addressed to him either by name or by the description of “the owner”, “the lessee” or “the occupier”, as the case may be, of the premises (describing

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- them) it is delivered or sent in the manner specified in subsection (1)(a), (b) or (c) of this section; or
- (b) being so addressed, and marked in such manner as may be prescribed by regulations under this Act for securing that it shall be plainly identifiable as a communication of importance, it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.
- (3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required or authorised to serve or give the notice or other document that any part of that land is unoccupied, the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has given to that authority an address for the service of the notice or document on him) if it is addressed to “the owners and any lessees and occupiers” of that part of the land (describing it) and is affixed conspicuously to some object on the land.

Modifications etc. (not altering text)

- C11** S. 269 amended by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\), s. 8\(4\)](#)
S. 269 applied (30.10.1994) by [S.I. 1994/2716, reg. 108](#)

[^{F53}270 Power to require information as to interests in land.

- (1) For the purpose of enabling any order to be made or any notice or other document to be served by them under the provisions of this Act, the Secretary of State or a local authority may in writing require the occupier of any land and any person who, either directly or indirectly, receives rent in respect of any land to supply in writing within a specified period, which shall not be less than twenty-one days from the service of the requirement on him, any of the following information—
- (a) the nature of his interest in the land;
- (b) the name and address of any other person known to him as having an interest in the land, whether as superior, owner, heritable creditor, lessee or otherwise;
- (c) details of the purposes for which the land is currently being used.]
- [^{F54}(d) the time when that use began;]
- (e) the name and address of any person known to the person on whom the notice is served as having used the premises for those purposes;
- (f) the time when any activities being carried out on the premises began.]
- (2) Any person who, having been required in pursuance of this section to give any information, fails to give that information shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F55}level 3 on the standard scale].
- (3) Any person who, having been so required to give any information, knowingly makes any misstatement in respect thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine, or both.

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

[^{F56}(4) It shall be a defence in any proceedings under subsection (2) of this section that the accused did not know, and had no reasonable cause to know the information required of him.]

Textual Amendments

- F53** S. 270(1) substituted by [Town and Country Planning \(Scotland\) Act 1977 \(c. 10\), s. 5\(4\)\(a\)](#)
- F54** S. 270(1)(d)–(f) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\), s. 530, Sch. 11 Pt. II para. 52](#)
- F55** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), ss. 289F, 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48\), s. 54](#))
- F56** S. 270(4) added by [Town and Country Planning \(Scotland\) Act 1977 \(c. 10\), s. 5\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C12** S. 270 amended by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\), s. 8\(4\)](#)
 S. 270 extended (with modifications) (26.3.1992) by [S.I. 1992/478, reg. 2, Sch.](#)

271 Offences by corporations.

- (1) Where an offence under this Act (other than section 55) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.
- (2) In subsection (1) of this section the expression “director”, in relation to any body corporate established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

272 Combined applications.

- (1) Regulations made under this Act may provide for the combination in a single document, made in such form and transmitted to such authority as may be prescribed by the regulations, of—
 - (a) an application for planning permission in respect of any development; and
 - (b) an application required, under any enactment specified in the regulations, to be made to a local authority in respect of that development.
- (2) Before making any regulations under this section, the Secretary of State shall consult with such local authorities or associations of local authorities as appear to him to be concerned.
- (3) Different provision may be made by any such regulations in relation to areas in which different enactments are in force.
- (4) An application required to be made to a local authority under an enactment specified in any such regulations shall, if made in accordance with the provisions of the regulations, be valid notwithstanding anything in that enactment prescribing, or

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

enabling any authority to prescribe, the form in which, or the manner in which, such an application is to be made.

- (5) Subsection (4) of this section shall have effect without prejudice to—
- (a) the validity of any application made in accordance with the enactment in question; or
 - (b) any provision of that enactment enabling a local authority to require further particulars of the matters to which the application relates.

- (6) In this section “application” includes a submission.

[^{F57}(7) The provisions of subsection (1) of this section shall apply in relation to applications for an approval required by a development order as they apply in relation to applications for planning permission.]

Textual Amendments

F57 S. 272(7) added by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 69\(2\), Sch. 2 para. 42](#)

273 Regulations and orders.

- (1) The Secretary of State may make regulations under this Act—
- (a) for prescribing the form of any notice, order or other document authorised or required by any of the provisions of this Act to be served, made or issued by any local authority;
 - (b) for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which regulations are authorised or required to be made by another Minister; [^{F58}and
 - (c) for any of the purposes mentioned in section 28 (power to prescribe matters relevant to Part IV) of the ^{M6}Land Compensation (Scotland) Act 1963;]
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this Act (except regulations which, by virtue of any provision of this Act, are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any power conferred by any of the provisions of this Act to make an order shall include power to vary or revoke any such order by a subsequent order.
- (4) The power to make orders under sections 1(3), 18, 19(2)(f), 21, [^{F59}21E,] 53(3) [^{F60}56AA],. . . ^{F61}, 181(4)(a), 261 and 279 of this Act shall be exercisable by statutory instrument.
- (5) Any statutory instrument which contains a development order or an order under section 1(3), [^{F62}21E, 56AA]. . . ^{F61} or [^{F63}181(4)(a)] of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Without prejudice to subsection (5) of this section, where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the enactments specified in Schedule 20 to this Act) the order shall not have effect until that provision is approved by a resolution of each House of Parliament.

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

(7) F64

[^{F65}(9) Any order under section 67, 71(6), 72(4) or 73(8) of this Act may contain such supplementary and incidental provisions as may appear to the Secretary of State to be appropriate.]]

(10) Any power (exercisable in accordance with section 280(2) of this Act) to make regulations or orders under this Act before the date of the commencement of this Act shall include power, by any regulations or order so made, to revoke any regulations or order made under any of the enactments which, as from that date, are repealed by this Act or having effect by virtue of any of those enactments as if made thereunder.

Textual Amendments

- F58** S. 273(c) inserted (25. 9. 1991) by [Planning and Compensation Act 1991](#) (c. 34, SIF 123:2), s. 79, [Sch. 17, Pt. II para.18](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)
- F59** “21E” inserted by [Housing and Planning Act 1986](#) (c. 63, SIF 123:2), s. 26(3), [Sch. 6 Pt. IV para. 6\(a\)](#)
- F60** “56AA” inserted by [Housing and Planning Act 1986](#) (c. 63, SIF 123:2), s. 50, [Sch. 9 Pt. II para. 18\(2\)\(a\)](#)
- F61** Figures repealed by [Housing and Planning Act 1986](#) (c. 63, SIF 123:2), s. 53(2), [Sch. 12 Pt. IV](#)
- F62** Figures inserted by [Housing and Planning Act 1986](#) (c. 63, SIF 123:2), s. 26(3), [Sch. 6 Pt. IV para. 6\(b\)](#) and s. 50, [Sch. 9 Pt. II para. 18\(2\)\(b\)](#)
- F63** Words substituted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981](#) (c. 23), [Sch. 3 para. 22](#)
- F64** S. 273(7)(8) repealed by [Housing and Planning Act 1986](#) (c. 63, SIF 123:2), s. 53(2), [Sch. 12 Pt. IV](#)
- F65** S. 273(9) repealed (prosp.) by [Housing and Planning Act 1986](#) (c.63, SIF 123:2), ss. 53(2), 57(2), [Sch. 12 Pt. IV](#)

Marginal Citations

- M6** 1963 c. 51.

274 Act not excluded by special enactments.

For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of the Act of 1947, or by any local Act passed at any time during the Session of Parliament held during the regnal years 10 & 11 Geo. 6, for authorising or regulating any development of the land.

Modifications etc. (not altering text)

- C13** S. 274 applied (with modifications) (18.8.1997) by S.I. 1997/1952, [art. 15\(1\)](#)

275 Interpretation.

(1) In this Act, except in so far as the context otherwise requires and subject to the transitional provisions herein after contained, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

“acquiring authority”, in relation to the acquisition of an interest in land (whether compulsorily or by agreement) or to a proposal so to acquire such an interest, means the government department, local authority or other body by whom the interest is, or is proposed to be, acquired;

“the ^{M7}Act of 1945” means the Town and Country Planning (Scotland) Act 1945;

“the ^{M8}Act of 1947” means the Town and Country Planning (Scotland) Act 1947;

“the ^{M9}Act of 1954” means the Town and Country Planning (Scotland) Act 1954;

“the ^{M10}Act of 1959” means the Town and Country Planning (Scotland) Act 1959;

“the ^{M11}Act of 1969” means the Town and Country Planning (Scotland) Act 1969;

“advertisement” means any word, letter, model, sign, placard, board, notice [^{F66}awning, blind], device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the foregoing provisions of this definition), includes any hoarding or similar structure used [^{F66}or designed], or adapted for use [^{F66}and anything else used, or designed or adapted principally for use,], for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

[^{F67}“aftercare condition” has the meaning assigned to it by section 27A(2) of this Act;]

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“the appointed day” means 1st July 1948;

“the appropriate Minister” has the meaning assigned to it by section 213 of this Act;

“area of extensive war damage” and “area of bad lay-out or obsolete development” mean respectively an area consisting of land shown to the satisfaction of the Secretary of State to have sustained war damage or, as the case may be, to be badly laid out or of obsolete development or consisting of Such land together with other land contiguous or adjacent thereto, being in each case land comprised in an area which is defined by a development plan as an area of comprehensive development;

“authority possessing compulsory purchase powers”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition, and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected:

...
^{F68}

“authority to whom Part II of the Act of 1959 applies” means a body of any of the descriptions specified in Schedule 4 to the Act of 1959;

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

[^{F69}“breach of condition notice” has the meaning given in section 87AA of this Act;]

[^{F70}“breach of planning control” has the meaning given in section 83A of this Act;]

“bridleway” has the same meaning as in section 47 of the ^{M12}Countryside (Scotland) Act 1967;

“building”. . . ^{F71} includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

“building or works” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly [^{F72}and references to the removal of buildings or works include demolition of buildings and filling in of trenches];

[^{F73}“building operations” has the meaning given by section 19 of this Act;]

“caravan site” has the meaning assigned to it by section 1(4) of the ^{M13}Caravan Sites and Control of Development Act 1960;

“clearing”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation thereto as may be prescribed;

“common” includes any town or village green;

“compulsory acquisition” does not include the vesting in a person by an Act of Parliament of property previously vested in some other person;

“conservation area” means an area designated under section 262 of this Act;

[^{F74}“depositing of mineral waste” means any process whereby a mineral-working deposit is created or enlarged and “depositing of refuse or waste materials” includes the depositing of mineral waste;]

[^{F75}“contravention of hazardous substances control” has the meaning assigned to it by section 56L(2) of this Act;]

“development” has the meaning assigned to it by section 19 of this Act, and “develop” shall be construed accordingly;

^{F76}
. . .

“development order” has the meaning assigned to it by section 21 of this Act;

“development plan” (subject to section 18 of, and paragraph 7 of Schedule 4 to, this Act) shall be construed in accordance with section 17 of this Act;

“disposal”, except in section 113(7) of this Act, means disposal by way of sale, excambion or lease, or by way of the creation of any servitude, right or privilege, or in any other manner, except by way of appropriation, gift or the creation of a heritable security, and “dispose of” shall be construed accordingly;

[^{F77}“district planning functions” has the meaning assigned to it by section 172 of the ^{M14}Local Government (Scotland) Act 1973;]

“enactment” includes an enactment in any local or private Act of Parliament, and an order, rule, regulation, byelaw or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament;

“enforcement notice” means a notice under section 84 of this Act;

“engineering operations” includes the formation or laying out of means of access to [^{F78}roads];

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

[^{F79}“enterprise zone scheme” means a scheme or modified scheme having effect to grant planning permission by virtue of Schedule 32 to the ^{M15}Local Government, Planning and Land Act 1980;]

“erection”, in relation to buildings as defined in this subsection, includes extension, alteration and re-erection;

^{F80}
...

“feu charter” includes a feu contract and any other instrument by which land is feued;

“footpath” has the same meaning as in section 47 of the ^{M16}Countryside (Scotland) Act 1967;

“functions” includes powers and duties;

“government department” includes any Minister of the Crown;

[^{F81}“hazardous substances consent” means consent required by section 56C of this Act;

“hazardous substances contravention notice” has the meaning assigned to it by section 97B(3) of this Act;]

“heritable security” means—

- (a) a heritable security within the meaning of the ^{M17}Conveyancing (Scotland) Act 1924 exclusive of a security by way of ground annual and a real burden *ad factum praestandum* but inclusive of a security constituted by way of *ex facie* absolute disposition; or

- (b) an assignation in security of a lease recorded under the ^{M18}Registration of Leases (Scotland) Act 1857;

and the expression “heritable creditor” shall be construed accordingly;

[^{F82}“improvement”, in relation to a road, has the same meaning as in the Roads (Scotland) Act 1984;]

..... ^{F83}
^{F84}
.....

“land” includes land covered with water and any building as defined by this section, and, in relation to the acquisition of land under Part VI of this Act, includes any interest in land and any servitude or right in or over land;

“Lands Tribunal” means Lands Tribunal for Scotland;

^{F84}
.....

“lease” includes a sub-lease, but does not include an option to take a lease;

“listed building” has the meaning assigned to it by section 52(7) of this Act;

“listed building consent” has the meaning assigned to it by section 53(2) of this Act;

“listed building enforcement notice” has the meaning assigned to it by section 92 of this Act;

“listed building purchase notice” has the meaning assigned to it by section 179 of this Act;

[^{F85}“local authority” means a regional, islands or district council;]

[^{F86}“local roads authority” has the same meaning as in Roads (Scotland) Act 1984;]

“... ^{F87} planning authority” has the meaning assigned to it by [^{F88}section 172 of the ^{M19}Local Government (Scotland) Act 1973];

“means of access” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a [^{F89}road];

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

F90 . . .

“mineral-working deposit” has the meaning assigned to it by section 251(1A) of this Act;

“minerals” includes all [^{F91}substances]of a kind ordinarily worked for removal by underground or surface working;

“Minister” means any Minister of the Crown or other government department;

[^{F92}“National Scenic Area” has the meaning assigned to it by section 262C of this Act.]

F93 . . .

“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;

“operational land” has the meaning assigned to it by section 211 of this Act;

“owner”, in relation to any land, includes (except in sections 24 and 26 of this Act) any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking, and includes also a lessee under a lease of agreement, the unexpired period of which exceeds three years;

[^{F94}“planning contravention notice” has the meaning given in section 83C of this Act;]

“planning decision” means a decision made on an application under Part III of this Act;

“planning permission” means permission under Part III of this Act, ^{F95} . . .;

“planning permission granted for a limited period” has the meaning assigned to it by section 27(2) of this Act;

“prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;

F93 . . .

“purchase notice” has the meaning assigned to it by section 169 of this Act;

F96 . . .

“relocation of population or industry”, in relation to any area, means the rendering available elsewhere than in that area (whether in an existing community or a community to be newly established) of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof;

“replacement of open space”, in relation to any area, means the rendering of land available for use as an open space, or otherwise in an undeveloped state, in substitution for land in that area which is so used;

[^{F97}“restoration condition” has the meaning assigned to it by section 27A(2) of this Act;]

F96 . . .

[^{F98}“road” has the same meaning as in the Roads (Scotland) Act 1984;]

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

[^{F99}“simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with section 21A of this Act;]

^{F96}
...

“the statutory maximum” means the prescribed sum within the meaning of section 289B(6) of the ^{M20}Criminal Procedure (Scotland) Act 1975;

^{F100}
...

“statutory undertakers” means persons authorised by any enactment, to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of. . . ^{F101}, . . . ^{F102}, hydraulic power or water, and “statutory undertaking” shall be construed accordingly;

[^{F103}“steps for the protection of the environment” has the meaning assigned to it by section 49B(3) of this Act]

“stop notice” has the meaning assigned to it by section 87 of this Act;

[^{F104}“suspension order” and “supplementary suspension order” have the meanings assigned to them by section 49B of this Act;]

“tree preservation order” has the meaning assigned to it by section 58 of this Act;

[^{F105}“urban development area” and “urban development corporation” have the same meaning as in Part XVI of the Local Government, Planning and Land Act ^{M21}1980;]

“use”, in relation to land, does not include the use of land for the carrying out of any building or other operations thereon;

“Valuation Office” means the Valuation Office of the Inland Revenue Department;

“war damage” has the same meaning as in the ^{M22}War Damage Act 1943.

[^{F106}“the winning and working of minerals” includes the extraction of minerals from a mineral working deposit.]

- (2) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury; and if any question so arises whether land of statutory undertakers is operational land, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.
- (3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.
- (4) With respect to references in this Act to planning decisions—
 - (a) in relation to a decision altered on appeal by the reversal or variation of the whole or part thereof, such references shall be construed as references to the decision as so altered;
 - (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the. . . ^{F87} planning authority and not to the decision of the Secretary of State on the appeal;
 - (c) in relation to a decision given on an appeal in the circumstances mentioned in section 34 of this Act, such references shall be construed as references to the decision so given;

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the . . .^{F87} planning authority (whether or not that decision is or was altered on that appeal) or, in the case of a decision given on an appeal in the circumstances mentioned in section 34 of this Act, the time when in accordance with that section notification of a decision of the . . .^{F87} planning authority is deemed to have been received.
- (5) Subject to section 40(1) of this Act, for the purposes of this Act development of land shall be taken to be initiated—
- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
 - (b) if the development consists of a change in use, at the time when the new use is instituted;
 - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in the preceding paragraphs.
- (6) Any reference in this Act to an assignation in security shall be construed as including a reference to *anex facie* absolute assignation qualified as a security by a collateral agreement.
- (7) In this Act any reference to a sale or purchase includes a reference to a sale or purchase by way of feu, and any reference to the price in relation to a sale or purchase includes a reference to grassum, feu-duty and ground annual.
- (8) Any reference in this Act to the *dominium utile* in relation to land which is not held on feudal tenure shall be construed as a reference to the interest in the land of the owner thereof.
- (9) References in this Act to any of the provisions in Part III or IV of Schedule 19 to this Act include, except where the context otherwise requires, references to those provisions as modified under section 256 or [^{F107}, 257 or 258] of this Act.
- (10) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

Textual Amendments

- F66** Words in s. 275(1) inserted (10.8.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 55 (with s. 84(5)); S.I. 1992/1937, art. 3
- F67** Definition inserted by Town and Country Planning (Minerals) Act 1981 (c. 36), Sch. 2 para. 11(a)
- F68** Proviso repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XIII
- F69** Words in s. 275(1) inserted (10.8.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, Sch. 13 para. 40(1)(a) (with s. 84(5)); S.I. 1992/1937, art. 3
- F70** Words in s. 275(1) inserted (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 61, 84(2), Sch. 13, para. 40(1)(a) (with s. 84(5)); S.I. 1992/334, art. 4, Sch. 2
- F71** Words repealed by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(2), Sch. 12 Pt. IV
- F72** Words in s. 275(1) inserted (3.2.1995) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, Sch. 13 para. 40(1)(b) (with s. 84(5)); S.I. 1994/3292, art. 3
- F73** Words in s. 275(1) substituted (3.2.1995) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, Sch. 13 para. 40(1)(c) (with s. 84(5)); S.I. 1994/3292, art. 3

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- F74** Words in s. 275(1) inserted (24.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 51, **Sch. 8**, para. 15(a) (with s. 84(5)); S.I. 1992/71, **art. 2**
- F75** Definition inserted (1.5.1993) by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 37, **Sch. 7 Pt. II para. 6(a)**; S.I. 1993/273, **art. 5(2)**
- F76** Words in s. 275(1) omitted (24.1.1992) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 51, 84(6), **Sch. 8**, para. 15(b), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1992/71, **art. 2**
- F77** Definition inserted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 23 para. 32(c)**
- F78** Word substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 70(21)(a)** (with s. 128(1))
- F79** Definition inserted by Local Government, Planning and Land Act 1980 (c. 65), **Sch. 32 para. 19(5)**
- F80** Words in s. 275(1) omitted (25.9.1992) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 61, 84(6), **Sch. 13 para. 40(1)(d)**, **Sch. 19 Pt. IV** (with s. 84(5)); S.I. 1992/1937, **art. 3**
- F81** Definitions inserted (1.5.1993) by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 37, **Sch. 7 Pt. II para. 6(b)**; S.I. 1993/273, **art. 5(2)**
- F82** Definition substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 70(21)(b)** (with s. 128(1))
- F83** Definition repealed by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(2), **Sch. 12 Pt. IV**
- F84** Definitions repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**
- F85** Definition substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 23 para. 32(a)**
- F86** Definition substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 70(21)(c)** (with s. 188(1))
- F87** Word repealed by Local Government (Scotland) Act 1973 (c. 65), **s. 172(2)**
- F88** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 23 para. 32(b)**
- F89** Word substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 70(21)(d)** (with s. 128(1))
- F90** Words in s. 275(1) omitted (24.1.1992) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 51, **Sch. 8**, para. 15(c) (with s. 84(5)); S.I. 1992/71, **art. 2**
- F91** Words in s. 275(1) substituted (24.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 51, **Sch. 8 para. 15(d)** (with s. 84(5)); S.I. 1992/71, **art. 2**
- F92** Definition inserted by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 53(1), **Sch. 11 Pt. II para. 59**
- F93** Words in s. 275(1) repealed (25.9.1991, subject to limitations referred to in S.I. 1991/2092, art. 4, **Sch. 2**, Pt. II) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 60(6), 84(6), **Sch. 12**, para. 31, **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1991/2092, **art. 3**
- F94** Words in s. 275(1) inserted (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, **Sch. 13**, para. 40(1)(e) (with s. 84(5)); S.I. 1992/334, art. 4, **Sch. 2**
- F95** Words in s. 275(1) repealed (26.3.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), ss. 61, 84(6), **Sch. 13**, para. 40(1)(f), **Sch. 19**, Pt. IV (with s. 84(5)); S.I. 1992/334, art. 4, **Schs. 1, 2**
- F96** Words in s. 275(1) omitted (24.1.1992) by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 51, **Sch. 8**, para. 15(e) (with s. 84(5)); S.I. 1992/71, **art. 2**
- F97** Definition inserted by Town and Country Planning (Minerals) Act 1981 (c. 36), **Sch. 2 para. 11(e)**
- F98** Definition inserted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 70(21)(e)** (with s. 128(1))
- F99** Definitions inserted by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 26(3), **Sch. 6 Pt. IV para. 7**
- F100** Definition repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**
- F101** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18** (with s. 112(3), **Sch. 17 para. 35(1)**)
- F102** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**
- F103** Definition inserted by Town and Country Planning (Minerals) Act 1981 (c. 36), s. 35, **Sch. 2 para. 11(f)**
- F104** Definition inserted by Town and Country Planning (Minerals) Act 1981 (c. 36), s. 35, **Sch. 2 para. 11(g)**

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- F105** Definitions inserted (1.5.1993) by Housing and Planning Act 1986 (c. 63, SIF 123:2), s. 37, 57(2), **Sch. 7 Pt. II para. 6(c)**; S.I. 1993/273, **art. 5(2)**
- F106** Words in s. 275(1) inserted (24.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 51, **Sch. 8**, para. 15(f) (with s. 84(5)); S.I. 1992/71, **art. 2**
- F107** Words in s. 275(9) substituted (30.8.1995) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, **Sch. 13 para. 40(2)** (with s. 84(5)); S.I. 1995/2045, **art. 3**

Modifications etc. (not altering text)

- C14** Ss. 108(2), 117–119, 121, 138, 154(3), 170–172, 175, 181, 195(6), 198(3), 199(2), 202(3), 205, 211, 212, 214, 216–230, 233(7), 242, 259, 266(6)(b), 275(2), Sch. 8, Sch. 17 para. 1–3, Sch. 18 extended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xxv) (with **Sch. 8 para. 33**)
 S. 275(2) extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xix)**; S.I. 1996/218, **art. 2**
- C15** Ss. 202(3), 205, 211, 212, 214–230, 233(7), 242, 266(6)(b), 275(2), Sch. 8, Sch. 17 paras. 1–3 amended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 1(1)(xxiii) (with s. 112(3), Sch. 17 paras. 33, **35(1)**)
- C16** Ss. 214–227, 266(6)(b), 275(2), Sch. 8 modified by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), **Sch. 7 para. 2(9)(f)** (with Sch. 8 para. 33)
 S. 275(2) modified (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(10)(d)**; S.I. 1996/218, **art. 2**
- C17** Ss. 214–227, 266(6)(b), 275(2), Sch. 8 modified by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 3(2)(e) (with s. 112(3), Sch. 17 paras. 33, **35(1)**)

Marginal Citations

- M7** 1945 c. 33.
M8 1947 c. 53.
M9 1954 c. 73.
M10 1959 c. 70.
M11 1969 c. 30.
M12 1967 c. 86.
M13 1960 c. 62.
M14 1973 c. 65.
M15 1980 c. 65.
M16 1967 c. 86.
M17 1924 c. 27.
M18 1857 c. 26.
M19 1973 c. 65.
M20 1975 c. 21.
M21 1980 c.65(**123:1, 2**).
M22 1943 c. 21.

276 Consequential amendments.

- (1) Subject to section 18 of this Act, the enactments specified in Schedule 21 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.
- (2) References in any Act to the acquisition of land under Part III of the Act of 1947 or to land acquired thereunder (including references which, by Schedule 12 to that Act, are to be construed as such) shall be respectively construed as, or as including (according as the context requires) references to the acquisition of land under Part VI of this Act and to land acquired thereunder.

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

277 Transitional provisions, savings and repeals.

- (1) The transitional provisions and savings contained in Schedule 22 to this Act shall have effect.
- (2) Subject to the provisions of that Schedule, the enactments specified in Schedule 23 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The inclusion in this Act of any express savings, transitional provision or amendment shall not be taken as prejudicing the operation of [F108 sections 16(1) and 17(2)(a) of the M23 Interpretation Act 1978] (which relate to the effect of repeals).

Textual Amendments

F108 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 25(2)

Marginal Citations

M23 1978 c. 30.

278 General vesting declarations.

- (1) Schedule 24 to this Act shall have effect for the purpose of enabling any authority to whom this section applies to vest in themselves by a declaration land which they are authorised by a compulsory purchase order to acquire and, with respect to the effect of such a declaration, the payment and recovery of sums in respect of compensation for the acquisition of land so vested and other matters connected therewith.
- (2) This section applies to any Minister or local or other public authority authorised to acquire land by means of a compulsory purchase order, and any such authority is in the said Schedule 24 referred to as an acquiring authority.
- (3) This section shall not apply to the compulsory acquisition of land with respect to which a compulsory purchase order was in force before 8th December 1969.

Modifications etc. (not altering text)

C18 S. 278 amended by [Housing \(Scotland\) Act 1988 \(c. 43, SIF 61\)](#), s. 2(7)

C19 S. 278 applied (with modifications) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 77(3)

C20 S. 278 applied by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 36(3)

C21 S. 278 extended (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 8(13)
S. 278 modified (16.5.1992) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 31(7)
(with s. 30(2)); S.I. 1992/817, art. 3(2), [Sch.1](#)

279 Commencement of certain provisions.

- (1) The provisions of this Act referred to in subsection (2) of this section shall come into operation on a day appointed by an order made by the Secretary of State.
- (2) The provisions of this Act referred to in this subsection are sections 58(5) and 59(1) to (3) of this Act and Schedule 7 to this Act.

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- (3) Different days may be appointed under this section for different purposes and, in particular, different days may be so appointed for the coming into operation or repeal of the same provisions in different areas.
- (4) No order under this section relating to Schedule 7 to this Act shall be made unless a draft of the order has been approved by both Houses of Parliament.
- (5) Any reference in this Act to the commencement of any provision referred to in subsection (2) of this section shall be construed as a reference to the day appointed for the coming into operation of that provision or, in the case of a provision which comes into operation on different days in different areas, shall, in relation to any area be construed as a reference to the day appointed for the coming into operation of that provision in that area.
- (6) An order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into operation or repealed, including such adaptation of those provisions or of any other provisions of this Act then in force as appears to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).
- (7) The Secretary of State shall maintain and keep up to date a register showing the effect of orders made under this section in such a way as enables members of the public to inform themselves—
 - (a) as to the provisions which have come, or are to be brought into operation or have been, or are to be, repealed, and on which date and in relation to which areas; and
 - (b) as to whether, in the case of a particular area, any transitional provision has been made by such an order.
- (8) The register maintained under this section by the Secretary of State shall be kept at his principal offices in Edinburgh and shall be available for inspection by the public at reasonable hours.

Modifications etc. (not altering text)

C22 Power of appointment conferred by s. 279(1) fully exercised: [S.I. 1975/1203](#), 1976/464

280 Commencement.

- (1) Except as provided in sections 18 and 279 of this Act and subject to the following provisions of this section, this Act shall come into operation on the expiry of the period of one month beginning with the date on which it is passed; and the date of coming into operation of this Act as aforesaid is in this section referred to as “the commencement date”.
- (2) The following provisions of this Act, that is to say—
 - (a) sections 71 to 83 and 174, this section and paragraphs 24 and 25 of Schedule 22,
 - (b) sections 253(1)(b), 269, 271, 273 and 275 so far as they relate to any of the provisions of sections 71 to 83 and 174 or anything done or to be done under any such provision,

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- (c) Schedule 23 so far as it relates to the repeal of Part I of the ^{M24}Control of Office and Industrial Development Act 1965,
- (d) any provisions which confer any power to make regulations or orders, or which (whether expressly or as construed in accordance with [^{F109}section 14 of the ^{M25}Interpretation Act 1978]) confer any power to revoke or vary any regulations or orders, and
- (e) any provisions relating to the exercise of any such power,
- shall come into operation on the passing of this Act; but no regulations or order shall be made under this Act so as to come into operation before the commencement date other than any regulations or order made under any of the provisions of sections 71 to 83 of this Act.
- (3) In subsection (2) of this section the reference to provisions of this Act relating to the exercise of any such power as is therein mentioned includes a reference to any provisions of this Act whereby statutory instruments containing regulations or an order are subject to annulment in pursuance of a resolution of either House of Parliament, or whereby any regulations or order or any provisions thereof require the approval of each of those Houses.
- (4) Any reference in this Act to the commencement of this Act is a reference to the coming into operation of so much of this Act as comes into operation on the commencement date, and any reference to the date of the commencement of this Act is a reference to that date; and if any Act passed after the passing of this Act refers to the commencement of this Act, subsections (2) and (3) of this section and section 18 of this Act shall be disregarded for the purpose of construing that reference in accordance with section 36 of the ^{M26}Interpretation Act 1889 (which relates to the meaning of “commencement” with reference to an Act).
- (5) The preceding provisions of this section shall have effect without prejudice to the generality of [^{F109}section 13 of the ^{M27}Interpretation Act 1978] (which relates to the exercise of statutory powers between the passing and the commencement of an Act).

Textual Amendments

F109 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

Modifications etc. (not altering text)

C23 Reference in s. 280(4) to “section 36 of the Interpretation Act 1889” to be construed as reference to [Interpretation Act 1978 \(c. 30\), ss. 4\(a\), 23\(1\), Sch. 1](#) (entry relating to Commencement): [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

Marginal Citations

M24 1965 c. 33.

M25 1978 c. 30.

M26 1889 c. 63.

M27 1978 c. 30.

281 Citations and extent.

- (1) This Act may be cited as the Town and Country Planning (Scotland) Act 1972.

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV. (See end of Document for details)

- (2) The ^{M28}Town and Country Planning (Amendment) Act 1972 and this Act may be cited together as the Town and Country Planning (Scotland) Acts 1972.
- (3) This Act, except so far as it provides for Joint Planning Inquiry Commissions. . . ^{F110}, extends to Scotland only.

Textual Amendments

F110 Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), **Sch. 3**

Marginal Citations

M28 [1972 c. 42](#).

Status:

Point in time view as at 30/08/1995.

Changes to legislation:

There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part XV.