

Status: Point in time view as at 01/04/1995.

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to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Part II.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

SCHEDULES

SCHEDULE 21

CONSEQUENTIAL AMENDMENTS

PART II

Modifications etc. (not altering text)

- C1** The text of Sch. 21 Pt. II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Finance Act 1931 (c. 28)

In section 28(6) (inserted by the Land Commission Act 1967), for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1972 ”.

In Schedule 2, in paragraph (viii) (inserted by the Land Commission Act 1967), for the words “section 12(5) of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 31(2) of the Town and Country Planning (Scotland) Act 1972 ”.

The Building Restrictions (War-Time Contraventions) Act 1946 (c. 35)

In section 8(5), in paragraph (c), after the word “1947” there shall be inserted the words “ or of paragraph 28 of Schedule 22 to the Town and Country Planning (Scotland) Act 1972 ”, and the words “under Part II of that Act” shall be omitted; and at the end of paragraph (d) there shall be added the words “ or by paragraph 28 of Schedule 22 of the Town and Country Planning (Scotland) Act 1972 ”.

The Town and Country Planning (Scotland) Act 1947 (c. 53)

In section 44(1), for the words “this Part of this Act” there shall be substituted the words “ Part VI of the Town and Country Planning (Scotland) Act 1972 ”.

The Building (Scotland) Act 1959 (c. 24)

Section 17(2) shall be amended as follows:—

(a) for paragraph (b) there shall be substituted the following paragraph—

“(b) subject to a building preservation notice under section 56 of the Town and Country Planning (Scotland) Act 1972”;

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- (b) in paragraph (c), for the words “section 28 of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 52 of the said Act of 1972 ”;
- (c) after the words “Act of 1931” there shall be inserted the words “ the said Act of 1972 ”.

The Town and Country Planning (Scotland) Act 1959 (c. 70)

For section 27(5)(b) there shall be substituted the following paragraph:—

“(b) to section 113 of the Town and Country Planning (Scotland) Act 1972”.

In Schedule 4, in paragraph 2, for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1972 ”.

The Gas Act 1965 (c. 36)

In section 4(7), for the words “the Town and Country Planning (Scotland) Acts 1947 to 1963” and “section 32 of the Town and Country Planning (Scotland) Act 1947” there shall be substituted respectively the words “ the Town and Country Planning (Scotland) Act 1972 ” and “ section 37 of that Act ”.

In section 28(1)—

- (a) in the definition of “local planning authority”, for the words “section 2 of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 1 of the Town and Country Planning (Scotland) Act 1972 ”;
- (b) in the definition of “planning permission”, for the words “Part III of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ Part III of the Town and Country Planning (Scotland) Act 1972 ”.

In Schedule 3—

- (a) in paragraph 7(2), for the word “1947” there shall be substituted the word “ 1972 ”;
- (b) in paragraph 9(a), for the words “section 19 of the Town and Country Planning (Scotland) Act 1954”, “Part II of the said Act of 1954” and “sections 23 and 24 of the said Act of 1954” there shall be substituted respectively the words “ section 135 of the Town and Country Planning (Scotland) Act 1972 ”, “ Part VII of the said Act of 1972 ” and “ sections 35 and 36 of the said Act of 1972 ”.

The Housing (Scotland) Act 1966 (c. 49)

In section 18, in subsection (1), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

- “(a) in relation to which a building preservation notice served under section 56 of the Town and Country Planning (Scotland) Act 1972 is in force, or
- (b) which is a listed building within the meaning of section 52(7) of that Act”,

and in subsection (2), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

- “(a) subject to a building preservation notice served under the said section 56, or
- (b) a listed building within the meaning of said section 52(7)”.

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The Local Government (Scotland) Act 1966 (c. 51)

In section 9(5), for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1972 ”.

In section 10(4), for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1972 ”.

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Textual Amendments

F1 Words in [Sch. 21 Pt. II](#) repealed (1.4.1995) by [1994 c. 39, s. 180\(2\)](#), [Sch. 14](#); [S.I. 1994/3150, art. 4\(d\)](#), [Sch. 2](#)

In section 41, for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1972 ”.

The Land Commission Act 1967 (c. 1)

In section 15, for the words set out in the first column below (in each place where they occur in that section) there shall be substituted the words set out opposite to them in the second column below —:

“the Scottish Act of 1945”	“ the Act of 1972 ”
“section 21”	“ section 117 ”
“section 24”	“ sections 219 and 220 ”
“Schedule 4”	“ sections 226(2) and 227 ”
“section 35 of the Scottish Act of 1947”	“ section 102 ”
“subsection (1) of the said section 24”	“ section 219(1) ”
“section 86 of the Scottish Act of 1947”	“ section 259 ”

In section 58(3), for the words “section 113(1) of the Scottish Act of 1947” there shall be substituted the words “ section 275(1) of the Act of 1972 ”.

In section 89(6)(b), for the words “section 113(1) of the Scottish Act of 1947” there shall be substituted the words “ section 275(1) of the Act of 1972 ”.

In section 99—

- (a) in subsection (1), after the words “ “the Act of 1971” means the Town and Country Planning Act 1971” there shall be inserted the words “ “the Act of 1972” means the Town and Country Planning (Scotland) Act 1972 ”;
- (b) in subsection (2)(b), for the words from “Part I” to the end of the paragraph there shall be substituted the words “ any of paragraphs 1, 2, 3 and 5 to 9 of Schedule 6 to the Act of 1972, as read with Part III of that Schedule ”; and
- (c) in subsection (8), for the words from “section 113(1)” to “1959 (interpretation)” there shall be substituted the words “ and section 275(1) (interpretation) of the Act of 1972 ”.

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In Schedule 15, in paragraph (viii), for the words “section 12(5) of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 31 of the Town and Country Planning (Scotland) Act 1972 ”.

In Schedule 16, in Part II, for the words “section 27 of the Scottish Act of 1945” there shall be substituted the words “ section 118 of the Act of 1972 ” and for the words “said section 27” there shall be substituted the words

“ said section 118 ”.

The Forestry Act 1967 (c. 10)

In section 9(4)(d), for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1972 ”.

In section 35, for the words “section 26 of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 58 of the Town and Country Planning (Scotland) Act 1972 ”.

In Schedule 3, in paragraph 2, for the words “section 13 of the Town and Country Planning (Scotland) Act 1947” and “the said section 13” there shall be substituted respectively the words “ section 32 of the Town and Country Planning (Scotland) Act 1972 ” and

“ the said section 32 ”; and in paragraph 3, for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1972 ”.

The Agriculture Act 1967 (c. 22)

In section 50(3)(b), for the words “section 113(1) of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 257(1) of the Town and Country Planning (Scotland) Act 1972 ”.

In section 52(2)(g), for the words “the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1972 ”.

The Civic Amenities Act 1967 (c. 69)

^{F2}In section 30(1), for the words “ “the Scottish Planning Act” means the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ “the Scottish Planning Act” means the Town and Country Planning (Scotland) Act 1972 ”.

Textual Amendments

F2 Entry repealed by [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\)](#), [Sch. 2](#)

The Public Expenditure and Receipts Act 1968 (c. 14)

In Schedule 3, for paragraph 7(a) there shall be substituted:—

“(a) The Town and Country Planning (Scotland) Act 1972 section 134(9)”.

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The Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)

In section 14(2), for the words “sections 34, 35 or 39(3) of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 102 or 110 of the Town and Country Planning (Scotland) Act 1972 ”.

The Transport Act 1968 (c. 73)

In section 108—

- (a) in subsection (2), for the words “section 31 of the Town and Country Planning (Scotland) Act 1947”, “the said Act of 1947” and “the said section 31” there shall be substituted respectively the words “ section 63 of the Town and Country Planning (Scotland) Act 1972 ”, “ the said Act of 1972 ” and “ the said section 63 ”;
- (b) in subsection (3), for the words “the said Act of 1947” there shall be substituted the words “ the Town and Country Planning (Scotland) Act 1947 ”.

In section 112(3)(d), for the words “section 31 of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 63 of the Town and Country Planning (Scotland) Act 1972 ”.

In section 139(1)(b) and (c), for the words “section 17 of the Town and Country Planning (Scotland) Act 1947”, “section 38 of the Town and Country Planning (Scotland) Act 1959” and “section 41 of the Act of 1959” there shall be substituted respectively the words “ section 169, 177 or 178 of the Town and Country Planning (Scotland) Act 1972 ”,

“ section 182 of the said Act of 1972 ” and “ section 185 of the said Act of 1972 ”.

In section 141(2), for the words “section 113(1) of the Town and Country Planning (Scotland) Act 1947” there shall be substituted the words “ section 275(1) of the Town and Country Planning (Scotland) Act 1972 ”.

The Post Office Act 1969 (c. 48)

In section 58, for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—

“Subsections (4) to (6) and subsection (9) of section 99 of the Town and Country Planning (Scotland) Act 1947”	“ Sections 265(8) and 266(1) to (3) and (6) of the Town and Country Planning (Scotland) Act 1972 ”
“the said section 99”	“ the said section 265 ”
“section 99(4)”	“ section 266(1) ”
“section 99(9)”	“ section 265(8) ”

In Schedule 4—

- (a) in paragraph 92(1), for the words from “section 70(1)” to “undertakers” and for the words “section 113(1) of the Act of 1947” there shall be substituted respectively the words “ section 212(1) of the Town and Country Planning (Scotland) Act 1972 ” and “ section 211 of that Act ”; and in paragraph 92(2), for the words “The said section 70” there shall be substituted the words “ The said section 212 ”.

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- (b) in paragraph 93(1), sub-paragraphs (iii), (vi), (xvi) and (xxxii) shall be omitted and after sub-paragraph (xxxiii) there shall be inserted—
 “(xxxiv) sections 19, 37, 45, 46, 108(2), 117, 118, 119, 138, 154(3), 170, 171, 172, 175, 181, 195(6), 199(2), 202(3), 205, 212, 214 to 230, 233(7), 242 and 266(6)(b) of, and Schedules 8 and 9, paragraphs 1 to 3 of Schedule 17, and Schedule 18 to, the Town and Country Planning (Scotland) Act 1972”.
- (c) in paragraph 93(2), sub-paragraphs (a), (d), (h) and (r) shall be omitted and after sub-paragraph (s) there shall be inserted—
 “(t) sections 195(6), 214 to 230 and 266(6)(b) of, and Schedule 8 and paragraph 4 of Schedule 18 to, the Town and Country Planning (Scotland) Act 1972”.
- (d) in paragraph 93(4), sub-paragraphs (a), (b) and (i) shall be omitted and after sub-paragraph (j) there shall be inserted—
 “(k) sections 138(3), 154(3) and 214 to 230 of, and Schedule 8 to, the Town and Country Planning (Scotland) Act 1972”.

In Schedule 9—

- (a) in paragraph 27, for the words set out in the first column below (in each place where they occur in that paragraph) there shall be substituted the words set out opposite to them in the second column below:—

“Parts VII and XII of the Town and Country Planning Act 1971”	“ Parts VII and XII of the Town and Country Planning (Scotland) Act 1972 ”
“Section 78 of the Town and Country Planning Act 1971”	“ Section 76 of the Town and Country Planning (Scotland) Act 1972 ”
“Section 34 of the Town and Country Planning Act 1971”	“ Section 31 of the Town and Country Planning (Scotland) Act 1972 ”
“Minister of Housing and Local Government”	“ Secretary of State ”
“section 70 of the Town and Country Planning (Scotland) Act 1969”	“ section 212 of the Town and Country Planning (Scotland) Act 1972 ”
“the Town and Country Planning (Scotland) Act 1947”	“ the Town and Country Planning (Scotland) Act 1972 ”
“sections 66 and 67 of the Town and Country Planning (Scotland) Act 1969”	“ sections 38 and 39 of the Town and Country Planning (Scotland) Act 1972 ”
“Subsections (5) and (7) of section 43 of the Town and Country Planning Act 1971”	“ Subsections (5) and (7) of section 40 of the Town and Country Planning (Scotland) Act 1972 ”
“sections 41 and 42 of that Act”	“ sections 38 and 39 of that Act ”

- (b) in paragraph 28, for the words set out in the first column below there shall be substituted the words set out opposite to them in the second column below:—

“section 83 of the Town and Country Planning (Scotland) Act 1947”	“ section 253 of the Town and Country Planning (Scotland) Act 1972 ”
“section 36 of the Town and Country Planning (Scotland) Act 1959”	“ section 24 of the said Act of 1972 ”

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