

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 18.

DEVELOPMENT PLANS: TRANSITION FROM SCHEDULE 3 TO PART II OF THIS ACT

- 1 Until the repeal of Schedule 3 to this Act as respects any area (whether the whole or part of the district of a . . . ^{F1} planning authority), proposals for any alterations or additions to a development plan in force in the area shall not without the approval of the Secretary of State be submitted to him under paragraph 3 of that Schedule.

Textual Amendments

- F1** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)

- 2 On the repeal of the said Schedule as respects any area, the development plan which was in force in the area immediately before the repeal takes effect (hereafter in this Schedule referred to as “the old development plan”) shall, subject to the following provisions of this Schedule, continue in force as respects that area and be treated for the purposes of this Act, any other enactment relating to town and country planning and the ^{M1}Land Compensation (Scotland) Act 1963 as being comprised in, or as being, the development plan therefor.

Marginal Citations

- M1** 1963 c. 51.

- 3 Subject to the following provisions of this Schedule, where by virtue of paragraph 2 of this Schedule the old development plan for any area is treated as being comprised in a development plan for that area and there is a conflict between any of its provisions and those of the structure plan for that area, the provisions of the structure plan shall be taken to prevail for the purposes of Parts III, IV, V, VI, VII and IX of this Act and Schedule 10 to this Act.
- 4 Where a structure plan is in force in any area, but no local plan is in force in that area, a street authorisation map prepared in pursuance of the ^{M2}Town and Country Planning (Development Plans) (Scotland) Regulations 1966 for that area shall—
- (a) if in force immediately before the structure plan comes into force be treated for the purposes of this Act as having been adopted as a local plan by the . . . ^{F2} planning authority;

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- (b) if immediately before the structure plan comes into force it was under consideration by the Secretary of State be treated for those purposes as having been so adopted on being approved by the Secretary of State.

Textual Amendments

F2 Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)

Marginal Citations

M2 [S.I. 1966/1385](#).

- 5 Where a structure plan is in force in any area, but no local plan is in force in that area, then, for any of the purposes of the ^{M3}Land Compensation (Scotland) Act 1963—
- (a) the development plan or current development plan shall as respects that area be taken as being whichever of the following plans gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, that is to say, the structure plan, so far as applicable to the area, and any alterations thereto, together with the Secretary of State’s notice of approval of the plan and alterations, or the old development plan;
- (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in whichever of the following areas leads to such assumptions as aforesaid, that is to say, any area wholly or partly within the area first-mentioned in this paragraph selected by the structure plan as an action area or the area so defined in the old development plan.

Marginal Citations

M3 [1963 c. 51](#).

- [^{F3}5A On the adoption or approval of a local plan under section 12 of this Act, so much of any old development plan as relates to the same area shall cease to have effect, unless the Secretary of State by order directs subject to paragraph 7 of this Schedule, that the provisions of that old development plan shall continue in force to the extent specified in the order.]

Textual Amendments

F3 [Para 5A](#) inserted by [Town and Country Planning \(Scotland\) Act 1977 \(c. 10\), s. 5\(5\)](#)

- 6 Subject to paragraph 7 of this Schedule, the Secretary of State may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the district of a . . . ^{F4} planning authority or in its application to part of that district and make such consequential amendments to the plan as appear to him to be necessary or expedient.

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Textual Amendments

F4 Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)

- 7 Before making an order with respect to a development plan under [^{F5}paragraph 5A or] paragraph 6 of this Schedule, the Secretary of State shall consult with the . . .^{F6} planning authority for the district to which the plan relates.

Textual Amendments

F5 Words inserted by [Town and Country Planning \(Scotland\) Act 1977 \(c. 10\), s. 5\(6\)](#)

F6 Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)

- 8 Any reference in paragraphs 1 and 2 of this Schedule to the repeal of Schedule 3 to this Act shall, in a case where that repeal is brought into force by an order under section 18 of this Act on different days, be construed as a reference to a repeal of such of the provisions of the said Schedule as may be specified in the order.
- 9 In relation to any development plan continued in force by virtue of this Schedule, sections 231 and 232 of this Act shall have effect with the same substitutions as are specified in paragraphs 1 to 3 of Schedule 4 to this Act.

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