



Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

1972 CHAPTER 52

PART III

GENERAL PLANNING CONTROL

Applications for planning permission

[^{F1}23] **Publication of notices of applications.**

- (1) Subject to subsection (2) below, [^{F2}regulations under this Act or]a development order may provide, either in relation to applications generally or in relation to applications of a class or classes prescribed in the order, that—
- (a) any such application shall have been notified to such persons or classes of person, and in such manner, as may be so prescribed;
 - (b) any such application shall have been advertised, either in a local newspaper or on the land to which the application relates, or both, in such a manner and for such a period or on such a number of occasions as may be so prescribed;
 - (c) any newspaper advertisement required by virtue of paragraph (b) above shall be placed by the planning authority to whom the application is made;
 - (d) the planning authority may recover from the applicant the cost incurred by them in arranging any such advertisement;
 - (e) any such application shall be accompanied by such certificates as to compliance with the requirements of provisions made under paragraphs (a) and (b) above as may be so prescribed;
 - (f) the applicant shall furnish, at such time and to such persons as may be so prescribed, such information with respect to the application as may be so prescribed;
 - (g) no such application shall be entertained unless such further conditions as to payment as may be so prescribed have been complied with;

Status: Point in time view as at 25/09/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Section 23. (See end of Document for details)

- (h) no such application shall be determined until after the expiry of any period which may be so prescribed.
- (2) The applications mentioned in subsection (1) above are—
- (a) applications for planning permission;
 - (b) applications for an approval required by a development order; or
 - (c) applications for any consent, agreement or approval required by a condition imposed on a grant of planning permission.
- (3) If any person knowingly or recklessly—
- (a) issues a notification; or
 - (b) makes advertisement (other than newspaper advertisement); or
 - (c) supplies a certificate,
- which purports to comply with provisions made under subsection (1) above but which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence, and liable on summary conviction to a fine not exceeding [F³level 3 on the standard scale].]
- [F⁴(4) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.
- (5) Proceedings for an offence under this section may be brought at any time within the period of two years following the commission of the offence.]

Textual Amendments

- F1** S. 23 substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), ss. 41, 69\(2\)](#)
- F2** Words in s. 23(1) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), s. 61, Sch. 13 para. 6\(a\)](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)
- F3** 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](#))
- F4** S. 23(4)(5) inserted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), s. 61, Sch. 13 para. 6\(b\)](#) (with s. 84(5)); S.I. 1991/2092, [art.3](#)

Modifications etc. (not altering text)

- C1** S. 23 applied (1.1.1997) by [1995 c. 25, s. 96\(1\), Sch. 13 para. 7\(6\)](#) (with ss. 7(6), 115, 117); S.I. 1996/2857, [art. 2](#)
- S. 23 applied (1.1.1997) by [1995 c. 25, s. 96\(1\), Sch. 14 para. 6\(4\)](#) (with ss. 7(6), 115, 117); S.I. 1996/2857, [art. 2](#)
- C2** S. 23 extended (1.1.1997) by [1995 c. 25, s. 96\(1\), Sch. 13 para. 9\(4\)](#) (with ss. 7(6), 115, 117); S.I. 1996/2857, [art. 2](#)
- C3** S. 23(3) extended (1.1.1997) by [1995 c. 25, s. 96\(1\), Sch. 13 para. 7\(6\)](#) (with ss. 7(6), 115, 117); S.I. 1996/2857, [art. 2](#)
- S. 23(3) extended (1.1.1997) by [1995 c. 25, s. 96\(1\), Sch. 13 para. 9\(4\)](#) (with ss. 7(6), 115, 117); S.I. 1996/2857, [art. 2](#)
- S. 23(3) extended (1.1.1997) by [1995 c. 25, s. 96\(1\), Sch. 14 para. 6\(4\)](#) (with ss. 7(6), 115, 117); S.I. 1996/2857, [art. 2](#)

Status:

Point in time view as at 25/09/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Section 23.