



# Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

## 1972 CHAPTER 52

### PART III

#### GENERAL PLANNING CONTROL

##### *Revocation or modification of planning permission*

#### **42 Power to revoke or modify planning permission.**

- (1) If it appears to the . . . <sup>F1</sup> planning authority, having regard to the development plan and to any other material considerations, that it is expedient to revoke or modify any permission to develop land granted on an application made under this Part of this Act, the authority, subject to the following provisions of this section, may by order revoke or modify the permission to such extent as (having regard to those matters) they consider expedient.
- (2) Except as provided in section 43 of this Act, an order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.
- (3) Where a . . . <sup>F1</sup> planning authority submit an order to the Secretary of State for his confirmation under this section, the authority shall serve notice on the owner, on the lessee and on the occupier of the land affected and on any other person who in their opinion will be affected by the order; and if within such period as may be specified in that notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Secretary of State, before confirming the order, shall afford to that person and to the . . . <sup>F1</sup> planning authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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*Status: Point in time view as at 25/09/1991. This version of this provision has been superseded.*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to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Section 42. (See end of Document for details)*

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- (4) The power conferred by this section to revoke or modify permission to develop land may be exercised—
- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
  - (b) where the permission relates to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been carried out before the date on which the order was confirmed as aforesaid.

- [<sup>F2</sup>(5) An order under this section may include any such aftercare condition as the planning authority think fit if—
- (a) it also includes a restoration condition; or
  - (b) a restoration condition has previously been imposed in relation to the land by virtue of any provision of this Act.
- (6) Subsections (3) to (19) of section 27A of this Act shall apply in relation to an aftercare condition so imposed as they apply in relation to such a condition imposed under that section.]

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#### **Textual Amendments**

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

**F2** [S. 42\(5\)\(6\)](#) added by [Town and Country Planning \(Minerals\) Act 1981 \(c. 36\), ss. 25, 35](#)

**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 42.