



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART IX

PLANNING

Planning authorities and plans

175 Amendment of provisions relating to approval of structure and local plans by Secretary of State

- (1) The following provisions shall be substituted for subsections (3) and (4) of section 7 of the Act of 1972 (which specify the duties and powers of the Secretary of State in considering any structure plan submitted for his approval and, in particular require him to consider any objections to the plan and to afford a hearing to the persons making them)—
- “(3) Where on taking any such plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—
- (a) consider any objections to the plan, so far as they are made in accordance with regulations under this Part of this Act, and
 - (b) cause a person or persons appointed by him for the purpose to hold an examination in public of such matters affecting his consideration of the plan as he considers ought to be so examined.
- (4) The Secretary of State may make regulations with respect to the procedure to be followed at any examination under subsection (3) of this section.
- (5) The Secretary of State shall not be required to secure to any planning authority or other person a right to be heard at any examination under the said subsection (3), and the bodies and persons who may take part therein shall be such only as he may, whether before or during the course of the examination, in his discretion invite to do so:

Status: This is the original version (as it was originally enacted).

Provided that the person or persons holding the examination shall have power, exercisable either before or during the course of the examination, to invite additional bodies or persons to take part therein if it appears to him or them desirable to do so.

- (6) An examination under subsection (3)(b) of this section shall constitute a statutory inquiry for the purposes of section 1(1)(c) of the Tribunals and Inquiries Act 1971, but shall not constitute such an inquiry for any other purpose of that Act.
 - (7) On considering a structure plan the Secretary of State may consult with, or consider the views of, any planning authority or other person, but shall not be under any obligation to do so.
 - (8) On exercising his powers under subsection (1) of this section in relation to any structure plan, the Secretary of State shall give such statement as he considers appropriate of the reasons governing his decision.”
- (2) For the purpose of preserving the existing law in relation to local plans, the following subsection shall be substituted for subsection (4) of section 12 of the Act of 1972 (which, amongst other things, applies section 7 of that Act with modifications where the Secretary of State has directed that a local plan shall not have effect unless approved by him)—
- “(4) Where the Secretary of State gives a direction under subsection (3) of this section, the planning authority shall submit the plan accordingly to him for his approval, and—
- (a) the Secretary of State may, after considering the plan, either approve it (in whole or in part and with or without modifications or reservations) or reject it;
 - (b) in considering the plan, the Secretary of State may take into account any matters which he thinks are relevant, whether or not they were taken into account in the plan as submitted to him ;
 - (c) subject to paragraph (d) of this subsection, where on taking the plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—
 - (i) consider any objections to the plan, so far as they are made in accordance with regulations under this Part of this Act;
 - (ii) afford to any persons whose objections so made are not withdrawn an opportunity of appearing before, and being heard by, a person appointed by him for the purpose; and
 - (iii) if a local inquiry or other hearing is held, also afford the like opportunity to the authority and such other persons as he thinks fit;
 - (d) before deciding whether or not to approve the plan the Secretary of State shall consider any objections thereto which have been considered by the authority, but he shall not be obliged to cause an inquiry or other hearing to be held into the plan if any such inquiry or hearing has already been held at the instance of the authority;
 - (e) without prejudice to paragraph (c) of this subsection, on considering the plan the Secretary of State may consult with, or consider the views of, any planning authority or other persons, but shall not be

under an obligation to consult with, or consider the views of, any other authority or persons, or except as provided by that paragraph, to afford an opportunity for the making of any objections or other representations, or to cause any local inquiry or other hearing to be held ; and

- (f) after the giving of the direction the authority shall have no further power or duty to hold a local inquiry or other hearing under section 11 of this Act in connection with the plan.”.

- (3) In consequence of subsection (2) above, in section 13(3) of the Act of 1972 the words from " but as if " to the end are hereby repealed.