

Status: Point in time view as at 27/05/1997.

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SCHEDULES

SCHEDULE 1

Section 9

RE-ALLOCATION OF FUNCTIONS RELATING TO THE COUNTRYSIDE

^{F1}PART I

Textual Amendments

F1 Sch. 1 Pt. I repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4(1)(d), Sch. 2

PART II

CONSEQUENTIAL AMENDMENT OF ENACTMENTS

Modifications etc. (not altering text)

C1 The text of s. 5(1), 6, 7, 9(2), 10–13, 20, 21, 22(a)–(c) 23, 31, 36–50, 56–59, 60(1)(a)(b)(2), 66, Sch. 1 Pt. II, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Local Government (Development and Finance) (Scotland) Act 1964 (c. 67)

1 At the end of section 3 (supplementary provisions in relation to the power to develop land) there shall be added the following subsection—

“(4) For the purposes of this section (except in so far as it relates to powers conferred by section 2(1)(b) of this Act) and of section 2(1)(a) and (c) and (2) of this Act “local authority” means a district council, an islands council, a general planning authority or a district planning authority ; and for the purposes of section 2(1)(b) of this Act means a regional, islands or district council or a planning authority.”.

The Countryside (Scotland) Act 1967 (c. 86)

2 In section 12 (Countryside Commission to consult with local planning authorities and other bodies on access requirements), in subsection (1) for the words from “with”, where it first occurs, to “planning” there shall be substituted the words “with general and district planning”.

3 In section 13(1) (power to make access agreement), for the words from “A” to “planning” there shall be substituted the words “A general or district planning”.

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- 4 In section 14(1) (power to make access order) for the words from “the”, where it occurs for the third time, to “planning” there shall be substituted the words “the general or district planning”.
- 5 In section 16(5) (enforceability etc. of access agreement), for the words from “the”, where it occurs for the second time, to “planning”, where it first occurs, there shall be substituted the words “the general or district planning”.
- 6 In section 17(4) (works for giving effect to access agreement), for the words from “the”, where it first occurs, to “planning” there shall be substituted the words “the general or district planning”.
- 7 In section 18(1) (enforcement of access), for the words from “any”, where it occurs for the third time, to “planning” there shall be substituted the words “the general or district planning”.
- 8 In section 20 (compensation for access orders), for the words from “Act” to “planning” there shall be substituted the words “Act the general or district planning”.
- 9 In section 24(1) (acquisition of land for public access), for the words from “a” to “planning”, where it first occurs, there shall be substituted the words “a general or district planning”.
- 10 In each of sections 27(4) (taking of steps to protect public from danger on land which is subject to access agreement etc.), 28 (power to erect and maintain boundary notices as regards land comprised in access agreement etc.), 29 (power of planning authority to contribute to work carried out by other persons as regards land which is subject to access agreement etc.) and 30(1) (creation of public paths by agreement), for the words from “A” to “planning” there shall be substituted the words “A general or district planning”.
- 11 In section 31(1) (compulsory powers for creation of public paths), for the words from “a” to “planning” there shall be substituted the words “a general or district planning”.
- 12 In section 32 (powers of planning authority in relation to a proposed public path lying partly within and partly outwith their area)—
- (a) for the words from “a”, where it occurs for the second time, to “planning”, where it first occurs, there shall be substituted the words “a general or district planning”; and
 - (b) for the words from “other” to “planning”, where it occurs for the second time, there shall be substituted the words “other general or district planning”.
- 13 In section 33(1) (making up and maintenance of public paths), for the words from “the”, where it occurs for the third time, to “planning” there shall be substituted the words “the general or district planning”.
- 14 In section 34(1) (closure of public paths), for the words from “a”, where it first occurs, to “planning” there shall be substituted the words “a general or district planning”.
- 15 In section 35 (diversion of public paths)—
- (a) in subsection (1), for the words from “the”, where it first occurs, to “planning” there shall be substituted the words “the general or district planning”; and

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- (b) in subsection (4)(b), for the words from “any”, where it occurs for the second time, to “planning” there shall be substituted the words “any general or district planning”.
- 16 In section 38(3) (supplementary provisions as regards public path creation, extinguishment and diversion orders)—
- (a) for the words from “one”, where it first occurs, to “planning”, where it first occurs, there shall be substituted the words “one general or district planning”; and
- (b) after the word “one”, where it occurs for the third time, there shall be inserted the word “such”.
- 17 For subsection (5) of section 49 (interpretation of provisions relating to camping sites) there shall be substituted the following subsection—
- “(5) In the foregoing provisions of this section “local authority” means an islands or district council.”.
- 18 For subsection (3) of section 50 (interpretation of provisions relating to accommodation, meals and refreshments) there shall be substituted the following subsection—
- “(3) In this section “local authority” means a district council, an islands council, a general planning authority or a district planning authority.”.
- 19 For subsection (2) of section 51 (power to provide parking places) there shall be substituted the following subsection—
- “(2) General and district planning authorities may exercise the power conferred by the foregoing subsection, and for that purpose may acquire land compulsorily; and sections 28 (except subsection (6)), 29, 31, 32, 52, 53 and 96 of the said Act of 1967 shall apply for the purposes of this subsection as if for any reference therein to a local authority there were substituted a reference to a general or district planning authority.”.
- 20 For subsection (2) of section 52 (exercise of powers under ^{M1}Local Government (Development and Finance) (Scotland) Act 1964) there shall be substituted the following subsections—
- “(2A) For the purposes of section 2(1)(a) and (c) and (2) of the said Act of 1964, general and district planning authorities may acquire land compulsorily.
- (2B) For the purposes of section 2(1)(b) of the said Act of 1964, planning authorities may acquire land compulsorily.”.

Marginal Citations

M1 1964 c. 76.

- 21 In section 54 (byelaws as respects country parks and local authority land in the countryside)—
- (a) in subsection (1), for the words from “a”, where it occurs for the second time, to “planning” there shall be substituted the words “a general or district planning”; and
- (b) for subsection (5) there shall be substituted the following subsection—

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- “(5) In this section “local authority” means a district council, an islands council, a general planning authority or a district planning authority.”.
- 22 In section 55(1) (default powers of Secretary of State as to byelaws) for the words from “a”, where it first occurs, to “planning”, where it first occurs, there shall be substituted the words “a general or district planning ”.
- 23 In section 56 (byelaws as to pleasure boats), in subsection (1), for the words from “a”, where it first occurs, to “planning” there shall be substituted the words “a general or district planning ”.
- 24 In section 65(5) (authorities which may appoint wardens as respects certain land or waterways), for paragraphs (c) and (d) there shall be substituted the following paragraphs-
- (c) islands and district councils ;
- (d) general and district planning authorities ;
- 25 In section 69(3) (powers of planning authority as regards acquisition, appropriation, disposal, etc. of land)—
- (a) for the words from “a”, where it first occurs, to “planning”, where it first occurs, there shall be substituted the words “a general or district planning ” ; and
- (b) for the words from “a”, where it occurs for the third time, to “planning”, where it occurs for the second time, there shall be substituted the words “a general or district planning ”.

F²SCHEDULE 2

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Textual Amendments

F2 Sch. 2 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. I (with s. 5, Sch. 3)

- 1 In subsection (1) of section 16 (which makes supplementary provision as regards structure and local plans)—
- (a) after the word “alteration,” where it—
- (i) first occurs ;
- (ii) occurs in paragraph (b) ; and
- (iii) occurs in paragraph (c),
- there shall in each case be inserted the word “modification, ” , and
- (b) after the word “adoption”, where it occurs in paragraph (d), there shall be inserted the word “, modification ”.
- 2 In section 22 (which relates to the form and content of applications for planning permission)—
- (a) at the beginning there shall be inserted the word “(1) ” ;
- (b) after the word “Act” there shall be inserted the words or “by a development order ” ;

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- (c) for the words “by the regulations or by directions given by the planning authority thereunder.” there shall be substituted the words “by—
 - (a) the regulations ; or
 - (b) the development order ; or
 - (c) directions given by the planning authority under the said regulations or the said development order.” ; and
 - (d) at the end there shall be added the following subsection—
 - “(2) In subsection (1) above “planning authority includes a regional planning authority.”.”
- 3 In section 24 (which provides for notification of applications to owners and agricultural tenants)—
- (a) in subsection (2B), for the word “granting” there shall be substituted the word “determining ” ;
 - (b) in subsection (4)—
 - (i) for the words “or (d)” there shall be substituted the words “, (cc) or (d) or (2C) ” ; and
 - (ii) after the word “publication” there shall be inserted the words “or, as the case may be, posting ” ; and
 - (c) in subsection (7), for the words “the undertaking” there shall be substituted the words “an undertaking ”.
- 4 In section 25 (which relates to publicity for planning applications affecting conservation areas), after subsection (3) there shall be added the following subsection—
- (4) Where an application for planning permission is dealt with by a regional planning authority by virtue of section 179 of the Local Government (Scotland) Act 1973, subsection (3) above shall apply as if the reference therein to “the planning authority” were a reference to the regional planning authority..
- 5 In subsection (2) of section 26 (which relates to the determination of applications) for the words from “the end” to the end there shall be substituted the words “the expiry of any period prescribed under subsection (1)(h) of that section. ”.
- 6 In section 28 (which provides for the regulation of the manner in which planning applications are dealt with)—
- (a) after paragraph (d) there shall be inserted the following paragraph—
 - (dd) for requiring the planning authority to give any applicant for any consent, agreement or approval required by a condition imposed on a grant of planning permission notice of their decision on his application, within such time as may be so prescribed ;;
 - (b) after subsection (1) there shall be added the following subsection—
- (2) The provisions of paragraphs (d) and (e) of subsection (1) above shall apply in relation to applications for an approval required by a development order as they apply in relation to applications for planning permission. ; and
- (c) at the end there shall be added the following subsection—
 - “(3) In this section “planning authority” includes a regional planning authority.”.

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- 7 In subsection (1) of section 29 (which relates to permission to retain buildings or works, or continue use of land)—
- (a) after the word “whether” there shall be inserted the word “—
 - (a) “ ; and
 - (b) at the end there shall be added the words or ”; or
 - (b) the application is for permission to retain the buildings or works, or continue the use of land, without complying with some condition subject to which a previous planning permission was granted.“.

- 8 After section 30 there shall be inserted the following section—

“30A Date of planning permission.

The date of the granting or of the refusal of any such application as is mentioned in section 23(2) of this Act shall be the date on which the notice of the planning authority’s decision bears to have been signed on behalf of the authority.”.

- 9 At the end of section 31 (which relates to registers of applications and decisions) there shall be added the following subsection—

“(5) The provisions of this section shall apply in relation to applications for an approval required by a development order as they apply in relation to applications for planning permission.”.

- 10 In section 32 (which relates to the reference of applications to the Secretary of State)

- (a) in subsection (1), for the words from “applications” to “order” there shall be substituted the words “any such application as is mentioned in section 23(2) of this Act ” ;
- (b) in subsection (4)—
 - (i) the words “for planning permission”, in both places where they occur, shall cease to have effect ;
 - (ii) for the words “(2) and (7)” there shall be substituted the words “(1) (f) and (h) ” ;
 - (iii) after the word “24”, there shall be inserted the words “(2B), (2C), (2D) and (4) ” ; and
 - (iv) the words “(1) to (3)” shall cease to have effect ; and
- (c) at the end there shall be added the following subsection—

“(7) In this section “planning authority” includes a regional planning authority.”.

- 11 In section 33 (which relates to appeals against planning decisions)—

- (a) in subsection (1), for the words from “for planning” to “permission” in the second place where it occurs, there shall be substituted the words—
 - “(a) for planning permission to develop land
 - (b) for an approval of that authority required under a development order ; or
 - (c) for any consent, agreement or approval of that authority required by a condition imposed on a grant of planning permission, and that permission, consent, agreement” ; and

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- (b) in subsection (5), after the word “sections” there shall be inserted the words “23, ”.
- 12 In section 34 (which relates to appeals in default of planning decisions) for the words from “an application” to “order”, where it first occurs, there shall be substituted the words “any such application as is mentioned in section 33(1) of this Act is made to a planning authority”.
- 13 In section 39(2)(a) (which relates to outline planning permission), for the words “not later than the expiration of three years beginning with the date of the grant of outline planning permission” there shall be substituted the words—
- “before—
- (i) the expiration of 3 years from the date of the grant of outline planning permission ; or
 - (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused ; or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,
- whichever is the latest:
- Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (i) above”.
- 14 At the end of section 50 (which provides for agreements for the purpose of restricting or regulating the development or use of land), there shall be added the following subsection—
- “(4) In this section “planning authority” includes a regional planning authority.”.
- 15 In section 54 (which relates to the control of works in regard to listed buildings)—
- (a) in subsection (3),
 - (i) for the words “consists in or includes works for the alteration or extension of a listed building” there shall be substituted the words “affects a listed building or its setting” ; and
 - (ii) after the words “preserving the building” there shall be inserted the words “or its setting” ;
 - (b) in subsection (4), for the words from the beginning to “subsection (2) of this section,” there shall be substituted the words—

“(4) Listed building consent may be granted subject to conditions ; and, without prejudice to the generality of the foregoing provisions of this subsection, the conditions may” ; and
 - (c) for subsection (5) there shall be substituted the following subsection—

“(5) In granting a listed building consent a planning authority may attach to the consent a condition that no demolition of the listed building shall take place until either or both of the following requirements have been met—

 - (a) an agreement for the regulation of the, development of the site of the listed building has been made and recorded under section 50 of this Act ;

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- (b) the planning authority are satisfied that contracts have been placed either—
- (i) for the redevelopment of the site ; or
 - (ii) for its conversion to an acceptable open space, in accordance with a current planning permission.”.

16 After the said section 54 there shall be inserted the following sections—

“54A Limit on duration of building listed consent

- (1) Any listed building consent granted after the commencement of this section shall be granted subject to a condition that works permitted by that consent shall be commenced within such period as the planning authority may specify in the consent.
- (2) If no time limit is specified in any grant of listed building consent under subsection (1) above, the grant shall be deemed to have been made subject to a condition that works in terms thereof shall be commenced within 5 years from the date of the grant.
- (3) Any grant of listed building consent made prior to 1st January 1980 which does not contain such a condition as is mentioned in subsection (1) above shall be deemed to have been granted subject to a condition that works in terms thereof shall be commenced within 3 years of the commencement of this section.
- (4) Any grant of listed building consent made on or after 1st January 1980 but before the commencement of this section which does not contain such a condition as is mentioned in subsection (1) above shall be deemed to have been made subject to a condition that works in terms thereof shall be commenced within 5 years of the commencement of this section.

54B Date of listed building consent.

The date of the granting or of the refusal of an application for listed building consent shall be the date on which the notice of the planning authority’s decision bears to have been signed on behalf of the authority.”.

17 In section 63 (which relates to the proper maintenance of waste land)—

- (a) for subsection (1) there shall be substituted the following subsections—

“(1) If it appears to a planning authority that the amenity of any part of their district, or of any adjoining district, is seriously injured by reason of—

- (a) the ruinous or dilapidated condition of any building in their district ; or
- (b) the derelict, waste or neglected condition of any other land in their district,

the authority may serve on the owner, lessee and occupier of the building or land a notice (in this and the following section referred to as a “waste land notice”) requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

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- (1A) Service under subsection (1) above shall be effected by the service of a copy of the notice ; and references in this Act to service of waste land notices shall be so construed.
- (1B) Subject to section 63A of this Act, a waste land notice shall take effect on such date as may be specified in the notice, being a date not less than 28 days after the latest service thereof under subsection (1) above.
- (1C) The planning authority may withdraw a waste land notice (without prejudice to their power to serve another) at any time before it takes effect ; and if they so withdraw it, they shall forthwith give notice of the withdrawal to every person on whom the notice was served.” ;
and
- (b) in subsection (3), for the words “sections 85 and 88” there shall be substituted the words ” section 88 ”.

18 After section 63 there shall be inserted the following section—

“63A Appeals against waste land notices.

- (1) A person on whom a waste land notice is served, or any other person having an interest in the land to which the notice relates, may at any time before the date specified in the notice as the date on which it is to take effect appeal to the Secretary of State against the notice, on any of the following grounds—
 - (a) that there is no serious injury to the amenity of any part of the planning authority’s district or of any adjoining district ;
 - (b) that the steps required by the notice to be taken exceed what is necessary to remedy any such injury ;
 - (c) that the specified period for compliance with the notice falls short of what should reasonably be allowed ;
 - (d) that the condition of the land is attributable to, and such as results in the ordinary course of events from, a continuing lawful use of the land or from continuing lawful operations carried out thereon ; or
 - (e) that the notice was served other than in accordance with section 63 of this Act.
- (2) An appeal under this section shall be made by notice in writing to the Secretary of State.
- (3) The provisions of subsections (2A) to (2D) of section 85 of this Act shall apply to appeals under this section as they apply to appeals under that section.
- (4) On an appeal under this section the Secretary of State—
 - (a) may correct any informality, defect or technical error in the notice if he is satisfied that it is not material ; and
 - (b) may disregard the failure of the planning authority to serve the notice upon a person upon whom it should have been served, if it appears to him that neither that person nor the appellant has been substantially prejudiced by that failure.
- (5) Where an appeal is brought under this section, the waste land notice shall be of no effect pending the final determination, or the withdrawal, of the appeal.

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(6) In determining an appeal under this section the Secretary of State shall give such directions as seem to him appropriate, and these may include directions for quashing the notice or for varying its terms in favour of the appellant.”.

19 In section 84 (which relates to the power to serve enforcement notices)—

(a) after paragraph (c) of subsection (3) there shall be inserted the words—

“; or

(d) the failure to comply with a condition which prohibits, or has the effect of preventing, a change of use of a building to use as a single dwelling-house.” ;

(b) after subsection (5) there shall be inserted the following subsection—

“(5A) Service under subsection (5) above shall be effected by the service of a copy of the notice ; and references in this Act to service of enforcement notices shall be so construed.” ;

(c) for subsection (7) there shall be substituted the following subsections—

“(7) In an enforcement notice the planning authority shall specify the matters alleged to constitute a breach of planning control and the steps required to be taken to restore the land to its condition before the breach took place ; but may in addition specify, as an alternative, the steps required to be taken to bring the land to a condition acceptable to the planning authority, having regard to the development plan and any other material consideration.

(7A) The planning authority shall also specify in the enforcement notice—

(a) the period or periods within which any steps specified under subsection (7) above are to be carried out ; and any such period shall begin with the date when the notice is to take effect ; and

(b) such additional matters as may be prescribed under subsection (12) of this section.

(7B) Where a development in respect of which an enforcement notice has been served is altered in accordance with steps required by virtue of subsection (7) above, planning permission shall be deemed to have been granted in respect of the development as so altered.” ;

(d) for subsection (9) there shall be substituted the following subsection—

“(9) Subject to section 85 of this Act, an enforcement notice shall take effect on such date as may be specified in the notice, being a date not less than 28 days after the latest service thereof under subsection (5) above.” ; and

(e) at the end there shall be added the following subsection—

“(12) The Secretary of State may prescribe matters, additional to those mentioned in subsections (7) and (7A) above, to be specified by planning authorities in enforcement notices ; and without prejudice to the generality of the foregoing provisions of this subsection may require a planning authority to include in an enforcement notice—

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- (a) a note, in such terms as may be prescribed, explaining the rights of persons to appeal against the notice ; and
- (b) a note of the planning authority's reasons for serving the notice."

20 In section 85 (which relates to appeals against enforcement notices)—

- (a) in subsection (1)—
 - (i) for the words "within the period specified in the notice as the period at the end of" there shall be substituted the words "before the date specified in the notice as the date on " ; and
 - (ii) after paragraph (b) there shall be inserted the following paragraph—
 - "(bb) that the breach of planning control alleged in the notice has not taken place ;"
- (b) for subsection (2) there shall be substituted the following subsections—
 - "(2) An appeal under this section shall be made by notice in writing to the Secretary of State.
 - (2A) A person who gives notice under subsection (2) of this section shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed under subsection (2B) of this section, a statement in writing—
 - (a) specifying the grounds on which he is appealing against the enforcement notice ; and
 - (b) giving such further information as may be so prescribed.
 - (2B) The Secretary of State may prescribe the procedure to be followed on appeals under this section, and (without prejudice to the generality of the foregoing provisions of this subsection) in so prescribing—
 - (a) may specify the time within which an appellant is to submit a statement under subsection (2A) of this section and the matters on which information is to be given in such a statement ;
 - (b) may require the planning authority to submit, within such time as may be specified, a statement indicating the submissions which they propose to put forward on the appeal ;
 - (c) may specify the matters to be included in such a statement ;
 - (d) may require the authority or the appellant to give such notice of an appeal under this section as may be specified, being notice which in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated ;
 - (e) may require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be specified, a copy of the enforcement notice and a list of the persons on whom the notice has been served.

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(2C) The Secretary of State—

- (a) may dismiss an appeal if the appellant fails to comply with subsection (2A) above within the time prescribed under subsection (2B)(a) above ; and
- (b) may allow an appeal and quash the enforcement notice if the planning authority fail to comply with any requirement imposed by virtue of paragraph (b), (c) or (e) of subsection (2B) above.

(2D) Subject to subsection (2C) above, the Secretary of State shall, if either the planning authority or the appellant so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by him for the purpose.” ; and

- (c) in subsection (5), after paragraph (a) there shall be added the following paragraph—
 - “(aa) grant planning permission for such other development on the land to which the enforcement notice relates as appears to him to be appropriate ;”.

21 In section 86 (which relates to the continuing contravention of an enforcement notice), for the words “£50” there shall be substituted the words “£100 ”.

22 In section 87(8)(b) (which relates to the continuing contravention of a stop notice), for the words “£50” there shall be substituted the words “£100 ”.

23 In section 88 (which relates to the execution and cost of works required by an enforcement notice)—

- (a) after subsection (1) there shall be added the following subsection—

“(1A) In computing the amount of the expenses which may be recovered by them under subsection (1) above, a planning authority may include in that amount such proportion of their administrative expenses as seems to them to be appropriate.” ; and

- (b) for subsections (3) and (4) there shall be substituted the following subsections—

“(3) If on a complaint by the owner of any land it appears to the sheriff that the occupier of the land is preventing the owner from carrying out work required to be carried out by an enforcement notice, the sheriff may by warrant authorise the owner to go on to the land and carry out that work.

(4) A planning authority taking steps under subsection (1) above may sell any materials removed by them from the land unless those materials are claimed by the owner within 3 days of their removal by the planning authority ; and where such materials have been sold the planning authority shall, after deducting therefrom any expenses recoverable by them from the owner, pay him the proceeds of such sale.

(5) Where a planning authority seek, under subsection (1) above, to recover any expenses from a person on the basis that he is the owner of any land, and such person proves that—

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- (a) he is receiving the rent in respect of that land merely as trustee, tutor, curator, factor or agent of some other person ; and
- (b) he has not, and since the date of the service on him of the demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority, his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid ; but a planning authority who by reason of the foregoing provisions of this subsection have not recovered the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover any unpaid balance from the person on whose behalf the rent is received.”.

24 In section 89(4) (which relates to the reinstatement of buildings or works which have been demolished or altered in compliance with an enforcement notice), for the words “£100” there shall be substituted the words “£1,000 ”.

25 After section 89 (which provides for the continuation in force of enforcement notices) there shall be added the following section—

“89A Effect of subsequent planning permission on enforcement notice.

—Notwithstanding subsections (1) to (3) of section 89 of this Act, an enforcement notice shall cease to have effect to the extent that its terms are inconsistent with the terms of any planning permission granted, or deemed to have been granted, subsequent to the service of the notice.”.

26 In section 92 (which relates to the power to serve listed building enforcement notices)—

- (a) for paragraph (b) of subsection (1) there shall be substituted the following paragraphs—

- “(b) specifying one of the following sets of steps-

- (i) the steps required to restore the building to its former state ;

- (ii) the steps required to bring the building to the state it would have been in if the terms and conditions of any listed building consent for the works had been complied with ;

- (iii) subject to subsection (1A) below, the steps required to alleviate, in a manner acceptable to the planning authority, the effects of works executed without listed building consent ; and

- (c) specifying the period within which steps specified under paragraph (b) above are to be taken.” ;

- (b) after subsection (1) there shall be inserted the following subsection—

“(1A) A planning authority may specify steps under sub-paragraph (iii) of paragraph (b) of subsection (1) above, if, but only if, it appears to them either—

- (a) that complete restoration of the building to its former state is not reasonably practicable ; or

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- (b) that such restoration is undesirable, having regard to the desirability of preserving—
 - (i) the character of the building ; or
 - (ii) its features of architectural or historical interest.” ;
- (c) after subsection (2) there shall be inserted the following subsection—

“(2A) Where such steps as are mentioned in subsection (1)(b)(iii) above have been taken in relation to works carried out on a building, listed building consent shall be deemed to have been granted in respect of those works as alleviated.” ;
- (d) after subsection (3) there shall be inserted the following subsection—

“(3A) Service under subsection (3) above shall be effected by the service of a copy of the notice ; and references in this Act to service of listed building enforcement notices shall be so construed.” ; and
- (e) for subsection (4) there shall be substituted the following subsection—

“(4) Subject to section 93 of this Act, a listed building enforcement notice shall take effect on such date as may be specified in the notice, being a date not less than 28 days after the latest service thereof under subsection (3) above.”.

27 In section 93 (which relates to appeals against listed building enforcement notices)

- (a) in subsection (1)—
 - (i) for the words from “within the” to “end of” there shall be substituted the words— “ before the date specified in the notice as the date on ” and ;
 - (ii) after paragraph (h) there shall be added the following paragraphs—
 - “(i) that the steps specified under sub-paragraph (ii) of section 92(1)(b) of this Act exceed what is necessary to bring the building to the state mentioned in that sub-paragraph ;
 - (j) that the steps specified under sub-paragraph (iii) of the said section 92(1)(b) exceed what may reasonably be required in terms of that subparagraph ;
 - (k) that the breach of listed building control alleged in the notice has not taken place.” ;
- (b) for subsection (2) there shall be substituted the following subsections—

“(2) An appeal under this section shall be made by notice in writing to the Secretary of State.

(2A) The provisions of subsections (2A) to (2D) of section 85 of this Act (which relates to appeals against enforcement notices) shall apply to appeals under this section as they apply to appeals under that section.” ; and
- (c) for subsection (6) there shall be substituted the following subsection—

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- “(6) Any listed building consent granted by the Secretary of State under subsection (5) above shall be treated as granted on an application for such consent made under Part I of Schedule 10 to this Act.”.
- 28 In section 94(2) (which relates to the continuing contravention of a listed building enforcement notice), for the words “£50” there shall be substituted the words “£100”.
- 29 In section 98(3) (which relates to the continuing contravention of a tree preservation order), for the words “£5” there shall be substituted the words “£50”.
- 30 In section 100(1) (which relates to the continuing contravention of a discontinuance of use order), for the words “£50” there shall be substituted the words “£100”.
- 31 In section 101(2) (which relates to the continuing contravention of advertisement control regulations), for the words “£5” there shall be substituted the words “£20”.
- 32 In the proviso to subsection (4) of section 136 (which subsection relates to the exclusion of compensation for refusal of planning permission etc. where development is premature by reference to the order of priority in the development plan or any existing deficiency in the provision of water supplies or sewerage services), after the word “if” there shall be inserted the words “the reason or one of the reasons so stated is that that development would be premature by reference to the matters mentioned in paragraph (a) of this subsection and”.
- 33 At the end of section 169 (which relates to the right of an owner or lessee of land to serve a purchase notice following the refusal of planning permission or the imposition of conditions on its being granted), there shall be added the following subsection—
- “(8) The words “planning authority” in subsection (1) above shall in a case where a regional planning authority have dealt with an application by virtue of section 179 of the Local Government (Scotland) Act 1973 (which enables a regional planning authority to have an application for planning permission which has been made to a district planning authority referred to themselves) be construed as meaning that regional planning authority.”.
- 34 After section 229 there shall be inserted the following section—
- “229A Application of sections 219 to 229 in relation to regional planning authorities.**
- Where a regional planning authority have exercised any power, either under Part VI of this Act or under any other enactment, compulsorily to purchase land, the provisions of sections 219 to 229 of this Act shall apply in relation to that exercise of power as they apply in relation to such an exercise by a district planning authority.”
- 35 In section 231(3) (which relates to the validity of certain actions taken by the Secretary of State)—
- (a) for paragraph (g) there shall be substituted the following paragraph—
- “(g) any decision of the Secretary of State on an appeal under section 91(2) of this Act against the refusal or partial refusal of an application for an established use certificate ;” ; and
- (b) in paragraph (k), for the word “8” there shall be substituted the word “7”.

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- 36 In section 232 (which relates to the procedure for questioning the validity of structure plans etc.), after subsection (2) there shall be inserted the following subsection—
- “(3) The preceding provisions of this section shall apply, subject to any necessary modifications—
- (a) to an order under section 198, under section 200 by the Secretary of State, under section 203(1)(a) or under section 224 of this Act as they apply to a structure plan, and as if, in subsection (1) of this section, for the reference to the notice therein mentioned there were substituted a reference either, in the case of sections 198, 200, and 203(1)(a), to the notice required by section 204(6) of this Act, or, in the case of section 224, to the notice required by subsection (5) of that section ; and
 - (b) to an order under section 198A, under section 199, under section 200 by a highway authority, under section 201, or under section 203(1) (b) of this Act as they apply to a structure plan, and as if, in subsection (1) of this section, for the reference to the date on which the notice therein mentioned is first published there were substituted a reference to the date on which the notice required by paragraph 6 of Schedule 18 to this Act is first published in accordance with that paragraph.”.
- 37 At the end of section 254 (which relates to agreements relating to Crown land), there shall be added the following subsection—
- “(4) In this section “planning authority” includes a regional planning authority.”.
- 38 In subsection (8) of section 262A (the which section relates to the control of demolition in conservation areas)—
- (a) after the words “section 54(3),” there shall be inserted the word “(4),” ; and
 - (b) after the words “(5) and (6),” there shall be inserted the words “section 54A, section 54B, section 54C, ”.
- 39 In section 262B(1) (which relates to proposals for the preservation and enhancement of conservation areas), for the words “within such period as may from time to time be directed by the Secretary of State” there shall be substituted the words “from time to time ”.
- 40 In section 265—
- (a) in subsection (1)—
 - (i) in paragraph (b), for the words “60 or 63” there shall be substituted the words “58 or 61 ” ; and
 - (ii) in paragraph (c), for the word “44” there shall be substituted the word “41 ” ; and
 - (b) at the end there shall be added the following subsection—

“(9) In subsection (1) (except as regards paragraph (a)) and in subsection (6) of this section “planning authority” includes a regional planning authority.”.
- 41 In section 266(2) (which relates to the wilful obstruction of persons entitled to enter land), for the words “£20” there shall be substituted the words “£200 ”.

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- 42 At the end of section 272 (which relates to combined applications) there shall be added the following subsection—
- “(7) The provisions of subsection (1) of this section shall apply in relation to applications for an approval required by a development order as they apply in relation to applications for planning permission.”.
- 43 In sub-paragraph (2) of paragraph 5 of Schedule 10 (which relates to the time required by the Secretary of State to consider an application for listed building consent referred to him), for the word “or” there shall be substituted the word “of”.

SCHEDULE 3

Section 66(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

- C2** The text of s. 1, 3, Sch. 3, 4 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 Public Libraries Consolidation (Scotland) Act 1887 (c. 42)

- 1 In section 2 (which makes provision as regards the interpretation of the Act), in the definition of “museum and art gallery authority” for the words “a regional,” there shall be substituted the word “an”.

The Local Government Act 1948 (c. 26)

- 2 In section 133(3)(ii) (which provides for the interpretation of certain provisions relating to war memorials), for the words “a regional,” there shall be substituted the word “an”.

The Caravan Sites and Control of Development Act 1960 (c. 62)

- 3 In Schedule 1—
- (a) in paragraph 10(1) (which relates to caravan site licences not being required by travelling showmen during certain periods), for the words “falling between the beginning of October in any year and the end of March” there shall be substituted the words “beginning on or after 20th September in any year and continuing until not later than 16th April” ; and
- (b) in paragraph 11A (which relates to other cases where a caravan site licence is not required), for the word “gipsies” there shall be substituted the words “persons to whom section 24(8A) of this Act applies”.

The Trustee Investments Act 1961 (c. 62)

- 4 In section 7(3) (which interprets the expression “Consolidated Loans Fund” for the purposes of certain provisions relating to statutory investments by persons other than trustees), for the words “section two hundred and seventy-five of the ^{M2}Local

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Government (Scotland) Act, 1947” there shall be substituted the words “Schedule 3 to the ^{M3}Local Government (Scotland) Act 1975 ”.

Marginal Citations

M2 1947 c. 43.

M3 1975 c. 30.

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

[^{F35} In section 2(2) (which relates to the determination of the estimated aggregate amount of the rate support grants for any year), for the words “section 4” there shall be substituted the words “sections 3 and 4 ”.]

Textual Amendments

F3 Sch. 3 paras. 5–7 repealed (1.4.1994) by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

- 6 In section 3 (which provides for the making of rate support grant orders)—
- (a) in subsection (i), for the word “fixed” where it first occurs there shall be substituted the words “determined (or redetermined) ” ; and
 - (b) in subsection (3), for the word “Rate” there shall be substituted the words “Subject to section 4 of this Act, rate ”.
- 7 In section 4 (which relates to the variation of rate support grant orders), for subsections (2) to (7) there shall be substituted the following subsections—
- “(2) A rate support grant order made by virtue of subsection (1) above with respect to any year may vary matters prescribed by the rate support grant order which first fixed the estimated aggregate amount of the rate support grants for that year.
- (3) A rate support grant order may, if the Secretary of State considers it practicable that it should do so, relate both to an estimated aggregate amount of the rate support grants determined, and to such an amount redetermined, under section 2(2) of this Act.”.

The Countryside (Scotland) Act 1967 (c. 86)

- 8 In section 31 (which makes provision as regards the compulsory creation of public paths)—
- (a) in subsection (1), after the words “them and”, there shall be inserted the words “, subject to paragraph 2(1A) of Schedule 3 to this Act, ” ; and
 - (b) in subsection (2) for the words “confirm such an order” there shall be substituted the words “, in a case where his confirmation of the order is required, confirm it ”.
- 9 In section 34 (which makes provision as regards the closure of public paths)—
- (a) in subsection (1), after the words “them and”, there shall be inserted the words “, subject to paragraph 2(1A) of Schedule 3 to this Act, ”; and
 - (b) in subsection (5)—

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- (i) after the words “preliminary to the”, in both places where they occur, there shall be inserted the words “making or”; and
 - (ii) the words “made under the next following section” shall cease to have effect.
- 10 In section 35 (which makes provision as regards the diversion of public paths)—
 - (a) in subsection (1), alter the words “them and”, there shall be inserted the words “, subject to paragraph 2(1A) of Schedule 3 to this Act, ”; and
 - (b) in subsection (3), for the words “confirm the order” there shall be substituted the words “,in a case where his confirmation of the order is required, confirm it ”.
- 11 In Schedule 3 (which comprises provisions as to the making, confirmation, coming into operation and validity of access orders and orders relating to public paths)—
 - (a) in paragraph 1(1)—
 - (i) after the word “Before” there shall be inserted the words “an authority make ”; ;
 - (ii) for the words “is submitted to the Secretary of State for confirmation the authority by whom the order was made” there shall be substituted the word “they ”; ;
 - (iii) for head (a) there shall be substituted the following head—
 - “(a) stating the general effect of the order and that it is about to be made and, subject to paragraph 2(1A) of this Schedule, submitted for confirmation,”; ;
 - (iv) in head (b), for the word “copy” there shall be substituted the word “draft ”; and
 - (v) in head (c), after the words “to the” there shall be inserted the word “draft ”; ;
 - (b) paragraph 1(2) shall cease to have effect (c) in paragraph 1(3), for the words “either of the two foregoing sub-paragraphs” there shall be substituted the words “sub-paragraph (1) above ”; ;
 - (d) in paragraph 2—
 - (i) at the beginning there shall be added the following sub-paragraph—
 - “(1A) If an authority have given notice under paragraph 1(1) above as regards a public path creation order, a public path extinguishment order or a public path diversion order, and no representations or objections are duly made in terms of paragraph 1(1)(c) of this Schedule or if any so made are withdrawn, then, subject to the provisions of Part II of this Schedule, the order shall on being made by them have effect without their having to submit it to the Secretary of State and without his confirmation.”; ;
 - (ii) in sub-paragraph (1) for the word “If”, where it first occurs, there shall be substituted the words “In the case of an order other than one which has effect under sub-paragraph (1A) above, if ”; ; after the words “duly made” there shall be inserted the words “in terms of sub-paragraph (1)(c) of paragraph 1 of this Schedule ”; ; and the words “or make and”, as the case may be, shall cease to have effect ;

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- (iii) in sub-paragraph (2), the words “or making”, “or make” and “as the case may be,” shall cease to have effect ;
 - (iv) in sub-paragraph (3), the words “or make” and “or the draft order prepared by him, as the case may be,” shall cease to have effect ; and
 - (v) both in the proviso to sub-paragraph (2) and in subparagraph (3), for the words from “in the case” to “undertakers” there shall be substituted the words “where objection is made by statutory undertakers to a public path creation order or a public path diversion order, ” ; and
- (e) in paragraph 4—
- (i) the words “or made”, where they first occur, shall cease to have effect ;
 - (ii) after the word “State”, where it first occurs, there shall be inserted the words “or, in the case of an order which has effect under paragraph 2(1A) of this Schedule, has been made by an authority ” ; and
 - (iii) the words “or, in the case of an order made by the Secretary of State, the Secretary of State,” and “or the Secretary of State (according as the notice or copy would require to be served by an authority or by the Secretary of State)” shall cease to have effect.

The Roads (Scotland) Act 1970 (c. 20)

12 In section 21(2) (which makes provision as regards expenses incurred in removing mud deposited on roads by vehicles), after the word “authority” there shall be inserted the words “or by the district council ”.

The Local Government (Scotland) Act 1973 (c. 65)

13 In section 31(1)(a) (which makes provision as regards disqualification from election to, and membership of, a local authority), after the word “chairman” there shall be inserted the words “or vice-chairman ”.

14 In section 38(4)(a) (which provides that allowances are not to be treated as pecuniary receipts for the purposes of disabling members of a local authority from voting on certain matters), after the word “chairman” there shall be inserted the words “or vicechairman”.

15 In section 67 (which makes provision as regards the disqualification of members and former members from paid office with a local authority), after the word “chairman” there shall be inserted the words “or vice-chairman ”.

F4 16

Textual Amendments
F4 Sch. 3 para. 16 repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4(1)(d), Sch. 2

17 In section 94—
(a) in subsection (1B) (which relates to the Secretary of State’s withdrawal of consent to a local authority incurring liability to meet capital expenses and

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to the variation by him of the terms of such consent), for the words from “where” to the end there shall be substituted the following proviso—

“:

Provided that, where the local authority have, by binding contract, incurred any liability to which the consent relates, a withdrawal or variation which would, but for this proviso, have the effect of rendering performance of an obligation under such contract impossible shall apply only to the extent (if any) that it does not have that effect.” ; and

- (b) for paragraph (b) of subsection (3) (which among other things provides for the Secretary of State’s consent being made necessary as regards a local authority incurring liability to meet certain expenses other than capital expenses) there shall be substituted the following paragraph—

“(b) provide that subsection (1) above shall, in the same manner as it applies to liabilities incurred in relation to capital expenses, apply to such other liabilities incurred in relation to a lease (or other contract, or arrangement, of a like nature) as may be specified in the order and, for the purposes of such application, prescribe a method for assigning a capital value to those other liabilities and prescribe circumstances in which such other liabilities shall be taken to arise.”.

18–20 F5

Textual Amendments

F5 Sch. 3 paras. 18–20 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

- 21 In section 163(3) (which designates the local authority for the purposes of the Public Libraries Consolidation (Scotland) Act 1887 in the application of that Act to museums and art galleries), for the words from “a local authority” to the end there shall be substituted the words “an islands or district council.”.
- 22 In section 172(3) (which makes provision as regards interpretation), after the word “provided” there shall be inserted the words “or unless the context otherwise requires”.
- 23 In section 176 (which makes provision as regards local plans)—
(a) in subsection (3), at the end there shall be added the words “or withdrawn” ; and
(b) in subsection (5), after the word “withheld” there shall be inserted the words “or withdrawn”.
- 24 For section 179 (which makes provision as regards applications for planning permission being referred to a regional planning authority instead of being dealt with by a district planning authority) there shall be substituted the following section—

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“179 Reference of applications to regional planning authority.

- (1) A regional planning authority may, in the circumstances specified in subsection (2) below but subject to any regulations made under subsection (7) below, or to any such development order as is referred to in the said subsection (7), give to any district planning authority within the district of the regional planning authority directions requiring any such application as is mentioned in section 23(2) of the Act of 1972 to be referred to them instead of being dealt with by the district planning authority.
- (2) The circumstances referred to in subsection (1) above are both that the application concerned is not subject to a direction given by the Secretary of State under section 32 of the Act of 1972 and that—
 - (a) the proposed development does not conform to a structure plan approved by the Secretary of State ; or
 - (b) the proposed development raises a major planning issue of general significance to the district of the regional planning authority.
- (3) Subject to subsection (4) below, any application in respect of which directions under subsection (1) above have been given shall be referred to the regional planning authority accordingly.
- (4) A district planning authority may, subject to any regulations made under subsection (7) below, or to any such development order as is referred to in the said subsection (7), appeal to the Secretary of State against any directions given under subsection (1) above to them and the Secretary of State (whose decision shall be final) may, under section 177(4) of this Act, determine the appeal as if it were a matter arising under section 176(5) of this Act.
- (5) Where an application is referred to a regional planning authority under this section, sections 21(2)(b), 23(1)(f) and (h), 24(2B), (2C), (2D) and (4), 26, 27(1), 27A, 33, 35, 54(3) and (subject to subsection (6) below) 34 of the Act of 1972 shall apply, with any necessary modifications, as if the application had been made to the regional planning authority:
 Provided that, in the proviso to the said section 27(1) as so applied, the words “another planning authority” shall be construed as meaning a regional planning authority, a general planning authority and any district planning authority outwith the district of the regional planning authority to which the application has been referred.
- (6) In the application of the said section 34 provided for in subsection (5) above, for the reference in that section to such period as may be prescribed by the development order there shall be substituted a reference to a period of 3 months, or such other period as a development order may prescribe, from the date when the application is referred to a regional planning authority.
- (7) The Secretary of State may by regulations made under this subsection, or may in a development order, prescribe the time limits within which—
 - (a) a regional planning authority may exercise their powers under subsection (1) above ;
 - (b) a district planning authority may appeal under subsection (4) above ;
 or

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- (c) a district planning authority shall forward to the regional planning authority a copy of any application (together with copies of all the certificates, plans, and other supporting documents relating thereto) required by the latter authority by virtue of subsection (1) above.”.
- 25 In section 181(2) (which, among other things, empowers a regional planning authority to make an order revoking or modifying planning permission granted by a district planning authority where the regional planning authority are of the opinion that an approved structure plan would otherwise be materially prejudiced), for the words from “shall” to the end there shall be substituted the words—
- “and of section 153 or 159 of the Act of 1972 (compensation in respect of orders under section 42 or 49) shall, as the case may be and with any necessary modifications, apply to the regional planning authority in relation to such an order made by the regional planning authority as they would apply to the district planning authority in relation to such an order made by the district planning authority.”.
- 26 In Schedule 7 (which relates to meetings and proceedings of local authorities)—
- (a) for sub-paragraph (2) of paragraph 3 there shall be substituted the following sub-paragraphs—
- “(2) If the chairman is absent from a meeting of the council, the vice-chairman shall preside.
- (3) If the chairman and vice-chairman are absent from a meeting of the council, another member of the council chosen by the members present shall preside.” ; and
- (b) in paragraph 10—
- (i) for sub-paragraph (1) there shall be substituted the following sub-paragraph—
- “(1) Paragraphs 5 to 9 above (except paragraph 7(2)) shall apply in relation to—
- (a) a committee (including a joint committee) of a council and that committee’s members ; or
- (b) a sub-committee of any such committee of a council and that sub-committee’s members,
- as those paragraphs apply in relation to a council and that council’s members.” ; and
- (ii) in sub-paragraph (2), after the word “members” there shall be inserted the words “recorded under paragraph 6 above as having been ”.
- 27 In Column 2 of Part I of Schedule 22 (which relates to regional planning functions), after the words “Sections 4 to 8.” there shall be added the words—
- “Sections 14 to 18 and 265, in so far as they relate to structure plans.”.
- 28 In Column 2 of Part 11 of Schedule 22 (which relates to district planning functions)
-
- (a) after the words “Sections 9 to 13.” there shall be added the words—
- “Sections 14 to 18 and 265, in so far as they relate to local plans.” ; and

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- (b) for the words “Section 199” there shall be substituted the words “Sections 198A and 199”.

The Housing (Scotland) Act 1974 (c. 45)

29–33 F6

Textual Amendments

F6 Sch. 3 paras. 29–33 repealed by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), Sch. 24

The Safety of Sports Grounds Act 1975 (c. 52)

- 34 In section 11 (which relates to powers of entry in respect of sports grounds), at the end of paragraph (b) there shall be inserted the word “or”.

The Electricity (Scotland) Act 1979 (c. 11)

35, 36. F7

Textual Amendments

F7 Sch. 3 paras. 35, 36 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), Sch. 18

The Education (Scotland) Act 1980 (c. 44)

- 37 In section 1 (which imposes a duty on education authorities to secure the provision of school and further education)—

- (a) in subsection (3)—
- (i) for the words “—(a) shall” there shall be substituted the words “shall for the purposes of their duty under subsection (1) above—
- (a) “; and
- (ii) in paragraph (b), the words “without prejudice to the duty imposed on them by subsection (1) above, shall” shall cease to have effect ; and
- (b) in subsection (5)(b)(iii)—
- (i) after the words “either as” there shall be inserted the words “voluntary organised activities designed to promote the educational development of persons taking part therein or as” ; and
- (ii) the words “or as organised voluntary leisure-time occupation” shall cease to have effect.

- 38 In section 6(1) (which among other things empowers for certain purposes an education authority to establish, manage and maintain social, cultural and recreative facilities), after the word “securing” there shall be inserted the words “,under section 1(3) of this Act,”.

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The Tenants' Rights, Etc. (Scotland) Act 1980 (c. 52)

39, 40. F8

Textual Amendments

F8 Sch. 3 paras. 39, 40 repealed by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), [Sch. 24](#)

The Local Government, Planning and Land Act 1980 (c. 65)

- 41 In section 70 (which provides for grants in respect of caravan sites for gipsies)—
- (a) in subsection (1), for the word “gipsies” there shall be substituted the words “persons to whom subsection (8A) of that section applies ” ; and
 - (b) in subsection (4), the definition of “gipsy” shall cease to have effect.
- 42 In paragraph 33 of Schedule 32 (which makes provision as regards rates in Scotland in respect of lands and heritages in an enterprise zone)—
- (a) at the end of sub-paragraph (1) there shall be added the following proviso—
“Provided that where the lands and heritages are situated only partially within any one enterprise zone their value shall, for the purpose of determining what rates (if any) are payable in respect of the lands and heritages, be apportioned between so much of them as lies within, and so much of them as lies outwith, that zone as if—
 - (i) the apportionment were by reason of their extending into two or more rating areas ; and
 - (ii) the boundary of the enterprise zone were the boundary of such an area”; and
 - (b) at the end of sub-paragraph (4) there shall be added the words “; and “rating area” means the area of a rating authority. ”.

The Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23)

43 F9

Textual Amendments

F9 Sch. 3 para. 43 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), s. 34, [Sch. 6](#)

SCHEDULE 4

Section 66(2).

REPEALS

Modifications etc. (not altering text)

C3 The text of s. 1, 3, Sch. 3, 4 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

Status: Point in time view as at 27/05/1997.

Changes to legislation: *There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982. (See end of Document for details)*

PART I

GENERAL

Chapter	Short title	Extent of repeal
41 & 42 Vict. c. 8	The Public Parks (Scotland) Act 1878.	The whole Act.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act 1892.	Section 107 in so far as relating to streets and footways. Section 110. Section 112. Section 116. Section 277. Section 288. Sections 307 and 308.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act 1897.	Section 29. In section 39, the first paragraph.
3 Edw. 7 c. 33.	The Burgh Police (Scotland) Act 1903.	Section 44.
1 Edw. 8 & 1 Geo. 6 c. 46.	The Physical Training and Recreation Act 1937.	Section 4(1) to (4). Section 5. Section 7. Section 10(4) to (7) and (11).
8 & 9 Geo. 6. c. 43.	The Requisitioned Land and War Works Act 1945.	Section 52.
10 & 11 Geo. 6. c. 22.	The Civic Restaurants Act 1947.	The whole Act.
11 & 12 Geo. 6. c. 17. The Requisitioned Land and War Works Act 1948.	In the Schedule, paragraph 10.	
4 & 5 Eliz. 2. c. 30.	The Food and Drugs (Scotland) Act 1956.	In section 26(3), the words “regional councils”.
6 & 7 Eliz. 2. c. 36.	The Physical Training and Recreation Act 1958.	The whole Act.
8 & 9 Eliz. 2. c. 62.	The Caravan Sites and Control of Development Act 1960.	Section 32(1)(h)(iii).

Status: Point in time view as at 27/05/1997.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982. (See end of Document for details)

1966 c. 51.	The Local Government (Scotland) Act 1966.	<p>In section 5(1), the words from “; and if” to the end ; and in paragraph (c) the words “subject to subsection (1A)(b) below,”.</p> <p>In Part II of Schedule 1, in paragraph 2 the words “any provision made by virtue of section 4(5) of this Act and to” ; and in paragraph 3, in sub-paragraph (2)(b), the words “subject to any provision made by virtue of section 4(5) of this Act”, and sub-paragraph (5).</p>
1967 c. 86.	The Countryside (Scotland) Act 1967.	<p>In section 14(5), the words “or make”.</p> <p>In section 34(5), the words “made under the next following section”</p> <p>Section 35A.</p> <p>In Schedule 3, paragraph 1(2); in paragraph 2, in sub-paragraph (1) the words “or make” and “, as the case may be,”; in sub-paragraph (2) the words “or making”, “or make” and “, as the case may be,”; and in sub-paragraph (3) the words “or make” and “or the draft order prepared by him, as the case may be,”; and in paragraph 4, the words “or made” where they first occur, the words “or, in the case of an order made by the Secretary of State, the Secretary of State,” and the words “or the Secretary of State (according as the notice or copy would require to be served by an authority or by the Secretary of State)”.</p>
1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 85.
1970 c. 40.	The Agriculture Act 1970.	Section 95. Section 96.

Status: Point in time view as at 27/05/1997.

Changes to legislation: *There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982. (See end of Document for details)*

1972 c. 52.

The Town and Country
Planning (Scotland) Act
1972.

In section 12, in
subsection (1), the words
“section 10 of this Act and” ;
and in subsection (2), the
word “generally”.

In section 26(2), the words
“for planning permission for
development of a class”.

Section 31(1).

In section 32(4), the words
“for planning permission” in
both places where they occur,
and the words “(1) to (3)”.

In section 37(1), the words
“other than the Secretary of
State”.

Section 54(2).

Section 61(7).

Section 84(6).

In section 85(8), the words
“or 80”.

In section 92(1), the words
“subject to any directions
given by the Secretary of
State”.

Section 93(5)(b).

In section 154(2), the words
“(except subsection (5)(b)
thereof”.

Section 164(6).

Section 167C(2)(b).

In section 215(1), the words
“other than the Secretary of
State”.

In section 231, in
subsection (1)(b), the words
“except section 203(1)(a)”;
and in subsection (3), in
paragraph (a), the words “for
planning permission,” and in
paragraph (f), the words “(1)
(a), (f) or (g)”.

Section 262(2) and (3).

Status: Point in time view as at 27/05/1997.

Changes to legislation: *There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982. (See end of Document for details)*

		<p>In section 262A, subsection (3); and, in subsection (4), the words “or to an individual building so specified”.</p> <p>Section 262B(3).</p> <p>In Schedule 10, in paragraph 11(1), the words from “; and (b)” to the end of paragraph (b).</p>
1973 c. 65.	The Local Government (Scotland) Act 1973.	<p>In section 49(2)(a), the words “or of any of its committees or sub-committees”.</p> <p>In section 55, the word “Regional”.</p> <p>Section 91.</p> <p>Section 137(2).</p> <p>Section 139.</p> <p>Section 158.</p> <p>Section 162.</p> <p>Section 164.</p> <p>Section 178.</p> <p>In section 216, subsections (2), (4) and (5); and in subsection (3) the words “or (2)”.</p> <p>Sections 218 to 221.</p> <p>In section 224, subsections (1) to (4); and in subsection (6) the words “this section and in”.</p> <p>In Schedule 22, paragraphs 5, 8 and 9 of Part II.</p> <p>In Schedule 23, paragraph 2(a).</p>
1974 c. 40.	The Control of Pollution Act 1974.	<p>Sections 22 and 23.</p> <p>Schedule 4, in so far as relating to section 110, 112 or 116 of the Burgh Police (Scotland) Act 1892 or to section 39 of the Public Health (Scotland) Act 1897.</p>

Status: Point in time view as at 27/05/1997.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982. (See end of Document for details)

1975 c. 30.	The Local Government Scotland Act 1975.	In Schedule 1, in paragraph 2, sub-paragraph (1)(b) and the word “, Corporation” in each of sub-paragraphs (1) (iii) and (2) ; and in each of paragraphs 2A(2), 3(2), 4(2) and 4A the word “, (b)”.
1979 c. 11.	The Electricity (Scotland) Act 1979.	In Schedule 4, in each of paragraphs 1, 3 and 6 the words “Amenity Committee and the”; and paragraph 5.
1980 c. 44.	The Education (Scotland) Act 1980.	In section 1, in subsection (3) (b) the words “without prejudice to the duty imposed on them by subsection (1) above, shall”; and in subsection (5)(b)(iii) the words “or as organised voluntary leisure-time occupation”.
1980 c. 45.	The Water (Scotland) Act 1980.	In paragraph 7(5) of Schedule 3, the word “either”. Paragraph 23 of Schedule 4.
1980 c. 52.	The Tenants’ Rights, Etc. (Scotland) Act 1980.	In section 1(1), the word “tenancy”. In section 4(3), the words “incurred in connection with the sale of the dwelling-house”.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 70(4), the definition of “gipsy” and the word “and” immediately preceding that definition.
1981 c. 44.	The Countryside (Scotland) Act 1981.	Section 5.

PART II

POWERS OF ENTRY

Chapter	Short title	Extent of repeal
F10	F10	F10 In section 10(3), the words “the Secretary of State or” and the words “,as the case may be”.

Status: Point in time view as at 27/05/1997.

Changes to legislation: *There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982. (See end of Document for details)*

1968 c. 49.	The Social Work (Scotland) Act 1968.	Section 6(1)(d).
1975 c. 52.	The Safety of Sports Grounds Act 1975.	In section 11, the words “or (d) the Secretary of State,”.
⋮ F10	⋮ F10	⋮ F10
1978 c. 3.	The Refuse Disposal (Amenity) Act 1978.	In section 8(1), the words “the Secretary of State or”.

Textual Amendments

F10 Entries repealed by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), Sch. 5 Pts. I, III

Status:

Point in time view as at 27/05/1997.

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982.