

## SCHEDULES

### SCHEDULE 11

#### PLANNING : MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART II

#### SCOTLAND

#### *Procedure on applications and appeals disposed of without inquiry or hearing*

41 After section 267A of the Town and Country Planning (Scotland) Act 1972 insert—

#### **“267B Procedure on certain appeals and applications.**

- (1) The Secretary of State may by regulations prescribe the procedure to be followed in connection with proceedings under this Act where he is required, before reaching a decision, to afford any person an opportunity of appearing before and being heard by a person appointed by him and which are to be disposed of without an inquiry or hearing to which rules under section 11 of the Tribunals and Inquiries Act 1971 apply.
- (2) The regulations may in particular make provision as to the procedure to be followed—
  - (a) where steps have been taken with a view to the holding of such an inquiry or hearing which does not take place, or
  - (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Secretary of State and the proceedings are the subject of a direction that the matter shall instead be determined by the Secretary of State, or
  - (c) where steps have been taken in pursuance of such a direction and a further direction is made revoking that direction,and may provide that such steps shall be treated as compliance, in whole or in part, with the requirements of the regulations.
- (3) The regulations may also—
  - (a) provide for a time limit within which any party to the proceedings must lodge written submissions and any supporting documents;
  - (b) prescribe the time limit (which may be different for different classes of proceedings) or enable the Secretary of State to give directions setting the time limit in a particular case or class of case;
  - (c) empower the Secretary of State to proceed to a decision taking into account only such written submissions and supporting documents as were lodged within the time limit; and

*Status: This is the original version (as it was originally enacted).*

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- (d) empower the Secretary of State, after giving the parties written notice of his intention to do so, to proceed to a decision notwithstanding that no written submissions were lodged within the time limit, if it appears to him that he has sufficient material before him to enable him to reach a decision on the merits of the case.”.