



# Planning and Compensation Act 1991

## 1991 CHAPTER 34

### PART II

#### TOWN AND COUNTRY PLANNING - SCOTLAND

##### *Control over development*

#### **46 Notice etc. of applications to owners and agricultural tenants**

- (1) For section 24 of the 1972 Act (notification of applications for planning permission) there is substituted—

##### **“24 Notice etc. of applications to owners and agricultural tenants**

- (1) A development order or regulations under this Act shall make provision—
- (a) as to the notice of any application for planning permission to be given to any person (other than the applicant) who at the beginning of the period of twenty-one days ending with the date of the application was—
    - (i) the owner of, or
    - (ii) the tenant of any agricultural holding any part of which was comprised in,  
any of the land to which the application relates; and
  - (b) requiring any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used,
- and provide for publicising such applications and for the form, content and service of such notices and certificates.
- (2) A development order or such regulations may require an applicant for planning permission to certify, in such form as may be prescribed by the order or the regulations, or to provide evidence, that any requirements of the order or the regulations have been satisfied.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A development order or such regulations making any provision by virtue of this section may make different provision for different cases or different classes of development.
- (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) If any person—
- (a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or
  - (b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,
- he shall be guilty of an offence.
- (6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) In this section—
- “agricultural holding” has the same meaning as in the Agricultural Holdings (Scotland) Act 1991; and
  - “owner” in relation to any land means any person who—
    - (a) under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking and includes any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than seven years; or
    - (b) in the case of such applications as may be prescribed by a development order or by regulations, is entitled to an interest in any mineral so prescribed,
 and the reference to the interests in the land to which an application for planning permission relates includes any interest in any mineral in, on or under the land.
- (8) 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.”
- (2) For section 26(3) of the 1972 Act there is substituted—
- “(3) Where an application for planning permission is accompanied by such a certificate as is mentioned in subsection (1)(b) or (3) of section 24 of this Act a development order or regulations under this Act may—
- (a) provide that a planning authority shall not determine an application for planning permission before the end of such period as may be prescribed;
  - (b) require a planning authority—
    - (i) to take into account in determining such an application such representations, made within such period, as may be prescribed; and

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- (ii) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.
- (3A) A development order or regulations making any provision by virtue of this section may make different provision for different cases or different classes of development.”