

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 4. (See end of Document for details)

SCHEDULE 4 **S**

Section 33(2).

AMENDMENTS OF THE 1972 ACT

- 1 The 1972 Act shall be amended in accordance with this Schedule.
- 2 In section 4 (survey of planning districts)—
 - (a) for subsection (1) substitute—

“(1) It shall be the duty of the planning authority to keep under review the matters which may be expected to affect the development of their district or the planning of its development.”;
 - (b) for subsection (2) substitute—

“(2) A planning authority may, if they think fit, institute a fresh survey, examining the matters referred to in subsection (1) above, of the whole or any part of their district, and references in subsection (3) of this section to the district of a planning authority shall be construed as including any part of that district which is the subject of a survey under this subsection.”.
- 3 In section 5 (preparation of structure plans), for subsection (1) substitute—

“(1) Where, as a result of the making of an order under section 4A of this Act, the area in respect of which a planning authority are obliged (whether acting alone or jointly with another authority or authorities) to prepare a structure plan is different from the area in respect of which a structure plan is for the time being in force, they shall prepare and submit to the Secretary of State for his approval a structure plan for their district complying with the provisions of subsection (3) below, together with a copy of the report of any survey which they have carried out under section 4(2) of this Act.

 - (1A) The Secretary of State may direct a planning authority to carry out their duty under subsection (1) above within a specified period from the direction, and any planning authority to whom such a direction is made shall comply with it.
 - (1B) Where a structure plan area extends to the district of more than one planning authority, and the authorities concerned are unable to agree on a joint structure plan for that area, then, without prejudice to the Secretary of State’s powers under section 15 of this Act and section 62B (power of Secretary of State to establish joint boards) of the ^{M1}Local Government (Scotland) Act 1973 each authority concerned may include in the plan submitted to the Secretary of State alternative proposals in respect of particular matters.
 - (1C) Where authorities submit alternative proposals under subsection (1B) above, such proposals shall be accompanied by a statement of the reasoning behind the proposals.
 - (1D) The provisions of section 8(2) of this Act shall apply in relation to structure plans submitted to the Secretary of State under this section as they apply in

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 4. (See end of Document for details)

relation to the submission of alterations to structure plans submitted to him under that section.”.

Marginal Citations

M1 1973 c. 65.

4 In section 6 (publicity in connection with preparation of structure plans), after subsection (1) insert—

“(1A) Where authorities submit alternative proposals in relation to particular matters to the Secretary of State under section 5(1B) of this Act, their duty under subsection (1) above is to secure that adequate publicity is given in each of their districts to all the matters which either or any of them propose to include in the plan.”.

5 After section 6 insert—

“6A Consultation with other planning authorities.

Before submitting a structure plan or proposals for alteration thereof to the Secretary of State, a planning authority shall consult every other planning authority who are likely to be affected by the plan or proposals.”.

6 In section 7 (approval or rejection of structure plan by Secretary of State), in subsection (1), after “structure plan” insert “ (including any alternative proposals included in the plan by virtue of section 5(1B) of this Act) ”.

7 In section 9 (preparation of local plans), before subsection (3) insert—

“(1A) Every planning authority shall prepare local plans for all parts of their district, and two or more planning authorities may make a joint local plan extending to parts of each of their districts.”.

8 In section 15 (default powers of the Secretary of State)—

(a) in subsection (1)—

(i) in paragraph (a) the words “, after holding a local inquiry or other hearing,” shall cease to have effect; and

(ii) for the words “carry out the survey” substitute “ carry out a survey in accordance with the provisions of section 4 of this Act ”; and

(b) after subsection (2) insert—

“(2A) Where under subsection (1) of this section the Secretary of State has power to do anything which should have been done by a planning authority acting jointly with another planning authority or authorities, he may, if he thinks fit, authorise one of those authorities to do that thing on behalf of both or all of them.”.

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 4. (See end of Document for details)

- 9 In section 17 (meaning of “development plan”), at the end insert—
- “(5) For the avoidance of doubt it is provided that, notwithstanding—
- (a) any changes made to local government areas by the Local Government etc. (Scotland) Act 1994; and
 - (b) any alterations to structure plan areas made by orders under section 4A of this Act,
- the structure plans and local plans made prior to the coming into force of the provisions mentioned in paragraphs (a) and (b) above shall remain in force until replaced by new plans made under or by virtue of those provisions.”.
- 10 For subsection (3) of section 102 (compulsory acquisition of land) substitute—
- “(3) Before giving an authorisation under subsection (2) of this section, the Secretary of State shall consult the local authority within whose area the land is situated.”.
- 11 For subsection (9) of section 201 (orders extinguishing right to use vehicles on highway) substitute—
- “(9) The competent authorities for the purposes of this section are local authorities, and a competent authority shall not make an order under subsection (2) or (8) of this section, if they are not the roads authority, without obtaining the consent of that authority.”.
- 12 For subsection (5) of section 202 (provision of amenity for highway reserved to pedestrians) substitute—
- “(5) The competent authorities for the purposes of this section are local authorities, and a competent authority shall not exercise any powers conferred by this section, if they are not the roads authority, without obtaining the consent of that authority.”.
- 13 In section 242(1) (contributions by local authorities and statutory undertakers)—
- (a) for the words from “any”, where it first occurs, to “may” substitute “ any local authority may ”; and
 - (b) for the words from “of the”, where they thirdly occur, to the end substitute “ of the area of the local authority ”.
- 14 In section 243 (acquisition of property in certain circumstances), for the words “regional, islands or district council” substitute “ local authority ”.
- 15 In section 275(1) (interpretation), for the definition of “local authority” substitute—
- ““local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”.

Status:

Point in time view as at 01/04/1996.

Changes to legislation:

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 4.