



# Planning (Hazardous Substances) (Scotland) Act 1997

## 1997 CHAPTER 10

### *Contraventions of hazardous substances control*

#### **22 Power to issue hazardous substances contravention notice**

- (1) Where it appears to the planning authority that there is or has been a contravention of hazardous substances control they may issue a notice—
  - (a) specifying the alleged contravention, and
  - (b) requiring such steps as may be specified in the notice to be taken to remedy wholly or partly the contravention,if they consider it expedient to do so having regard to any material consideration.
- (2) Such a notice is referred to in this Act as a “hazardous substances contravention notice”.
- (3) A planning authority shall not issue a hazardous substances contravention notice where it appears to them that a contravention of hazardous substances control can be avoided only by the taking of action amounting to a breach of a statutory duty.
- (4) A copy of a hazardous substances contravention notice shall be served—
  - (a) on the owner, the lessee and the occupier of the land to which it relates, and
  - (b) on such other persons as may be prescribed.
- (5) A hazardous substances contravention notice shall also specify—
  - (a) a date not less than 28 days from the date of service of copies of the notice as the date on which it is to take effect, and
  - (b) in respect of each of the steps required to be taken to remedy the contravention of hazardous substances control, the period from the notice taking effect within which the step is to be taken.
- (6) Where a planning authority issue a hazardous substances contravention notice the steps required by the notice may, without prejudice to the generality of subsection (1)

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*Status: This is the original version (as it was originally enacted).*

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- (b), if the authority think it expedient, include a requirement that the hazardous substance be removed from the land.
- (7) Where a notice includes such a requirement, it may also contain a direction that at the end of such period as may be specified in the notice any hazardous substances consent for the presence of the substance shall cease to have effect or, if it relates to more than one substance, shall cease to have effect so far as it relates to the substance which is required to be removed.
- (8) The planning authority may withdraw a hazardous substances contravention notice (without prejudice to their power to issue another) at any time before or after it takes effect.
- (9) If they do so, they shall immediately give notice of the withdrawal to every person who was served with a copy of the notice or would, if the notice were reissued, be served with a copy of it.