



Planning (Consequential Provisions) (Scotland) Act 1997

1997 CHAPTER 11

1 Meaning of “the consolidating Acts”, “the repealed enactments”, etc

(1) In this Act—

“the consolidating Acts” means the principal Act, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Planning (Hazardous Substances) (Scotland) Act 1997 and, so far as it reproduces the effect of the repealed enactments, this Act,

“the principal Act” means the Town and Country Planning (Scotland) Act 1997, and

“the repealed enactments” means the enactments repealed by this Act.

(2) Expressions used in this Act and in any of the other consolidating Acts have the same meaning as in those Acts.

2 Continuity, and construction of references to old and new law

(1) The substitution of the consolidating Acts for the repealed enactments does not affect the continuity of the law.

(2) Anything done or having effect as if done under or for the purposes of a provision of the repealed enactments has effect, if it could have been done under or for the purposes of the corresponding provision of the consolidating Acts, as if done under or for the purposes of that corresponding provision.

(3) Any reference, whether express or implied, in the consolidating Acts or any other enactment, instrument or document to a provision of the consolidating Acts shall, so far as the context permits, be construed as including, in relation to the times, circumstances and purposes in relation to which the corresponding provision of the repealed enactments has effect, a reference to that corresponding provision.

(4) Any reference, whether express or implied, in any enactment, instrument or document to a provision of the repealed enactments shall be construed, so far as is required for

continuing its effect, as including a reference to the corresponding provision of the consolidating Acts.

- (5) In particular, where a power conferred by an Act is expressed (in whatever words) to be exercisable in relation to enactments contained in Acts passed—
- (a) before or in the same Session as the Act conferring the power, or
 - (b) before a date determined by reference to the coming into force of particular provisions of that Act,
- the power is also exercisable in relation to provisions of the consolidating Acts which reproduce such enactments.

3 Repeals

- (1) The enactments specified in Schedule 1 are repealed to the extent specified in the third column of that Schedule.
- (2) Those repeals include the repeal, in accordance with Recommendations of the Scottish Law Commission, of section 18(7) and (8) of the 1972 Act as no longer of practical utility.
- (3) The repeals have effect subject to any relevant savings in Schedule 3.

4 Consequential amendments

Schedule 2 (which makes consequential amendments) shall have effect, subject to any relevant transitional provisions in Schedule 3.

5 Transitional provisions and savings

- (1) Schedule 3 (which makes transitional provision and contains savings in connection with the repeals made by this Act) shall have effect.
- (2) Nothing in that Schedule affects the general operation of section 16 of the Interpretation Act 1978 (general savings implied on repeal) or of the previous provisions of this Act.

6 Short title, commencement and extent

- (1) This Act may be cited as the Planning (Consequential Provisions) (Scotland) Act 1997.
- (2) Subject to subsections (3) and (4), this Act shall come into force at the end of the period of 3 months beginning with the day on which it is passed.
- (3) The repeal in Part I of Schedule 1 relating to section 186 of the principal Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.
- (4) An order under subsection (3) may contain such supplementary, incidental, consequential and transitional provisions as the Secretary of State thinks fit.
- (5) This Act does not extend to England or Wales or Northern Ireland except (subject to subsection (6)) so far as it affects other enactments so extending.
- (6) The repeals in Part II of Schedule 1 extend to Scotland only and those in Part III of that Schedule to England and Wales only.