



# Town and Country Planning (Scotland) Act 1997

## CHAPTER 8

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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*Status: Point in time view as at 01/05/2005.*

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*Structure plans to prevail over old development plans*

- 3 Subject to the following provisions of this Schedule, where by...

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*Development plans for compensation purposes*

- 5 Where there is no local plan in force in an...

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*Meaning of “required standard”*

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*Recovery of expenses of compliance*

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##### *Determination of appeals by Secretary of State*

- 3 (1) The Secretary of State may, if he thinks fit,...
- 4 (1) The Secretary of State may by a further direction...

##### *Appointment of another person to determine appeal*

- 5 (1) At any time before the appointed person has determined...

##### *Local inquiries and hearings*

- 6 (1) Whether or not the parties to an appeal have...

##### *Supplementary provisions*

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- 8 (1) The Tribunals and Inquiries Act 1992 shall apply to...

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- 6 Where a planning authority have prepared a proposed simplified planning...

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- 7 (1) Where objections to the proposed scheme or alterations are...

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*Adoption of proposals by planning authority*

- 8 (1) After the expiry of the period for making objections...

*Calling in of proposals for approval by Secretary of State*

- 9 (1) After copies of proposals have been sent to the...

*Approval of proposals by Secretary of State*

- 10 (1) The Secretary of State may after considering proposals submitted...

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*Regulations and directions*

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- 3 (1) A reference to a commission of a proposal that...

*Functions on reference*

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6 (1) In section 69 and this Schedule “the responsible Minister...”

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*Constitution*

- 1 (1) A Joint Planning Inquiry Commission (a “joint commission”) shall...

*References*

- 2 (1) Two or more of the matters mentioned in section...

*Procedure on reference*

- 3 (1) A reference to a joint commission of a proposal...

*Functions on reference*

- 4 A joint commission inquiring into a referred matter shall—

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- 5 A joint commission shall give an opportunity of appearing and...
- 6 A joint commission may, with the approval of the Ministers...
- 7 The provisions of sections 46(5) and 48(2) of this Act...

*Local inquiries*

- 8 (1) A joint commission shall, for the purpose of complying...

*Interpretation*

- 9 In this Schedule— “the 1990 Act” means the Town and...

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Part I — REQUIREMENTS RELATING TO DISCONTINUANCE OF MINERAL WORKING

*Orders requiring discontinuance of mineral working*

- 1 (1) If, having regard to the development plan and to...
- 2 (1) Where development consisting of the winning and working of...

*Prohibition of resumption of mineral working*

- 3 (1) Where it appears to the planning authority that development...
- 4 (1) An order under paragraph 3 shall not take effect...

*Orders after suspension of winning and working of minerals*

- 5 (1) Where it appears to the planning authority—

*Supplementary suspension orders*

- 6 (1) At any time when a suspension order is in...

*Confirmation and coming into operation of suspension orders*

- 7 (1) Subject to sub-paragraph (2) and without prejudice to paragraph...

*Registration of suspension orders*

- 8 An order made under paragraph 3, 5 or 6 shall...

*Review of suspension orders*

- 9 (1) It shall be the duty of a planning authority—...

*Old mining permissions*

- 10 (1) In this paragraph and Part II of this Schedule,...

*Resumption of mineral working after suspension order*

- 11 (1) Subject to sub-paragraph (2), nothing in a suspension order...

*Default powers of Secretary of State*

- 12 (1) If it appears to the Secretary of State that...

Part II — REGISTRATION OF OLD MINING PERMISSIONS



*Status: Point in time view as at 01/05/2005.*

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*Application for registration*

- 13 (1) Any person who is an owner of any land...

*Determination of conditions*

- 14 (1) The conditions to which an old mining permission is...

*Registration*

- 15 (1) Where an application for the registration of an old...

*General provisions about applications*

- 16 (1) An application under paragraph 13 or 14 is an...

*Right of appeal*

- 17 (1) Where the planning authority— (a) refuse an application under...

*Determination of appeal*

- 18 (1) On an appeal under paragraph 17 the Secretary of...

*Reference of applications to Secretary of State*

- 19 (1) The Secretary of State may give directions requiring applications...

*Two or more applicants*

- 20 (1) Where a person has served an application under paragraph...

*Application of provisions relating to planning permission*

- 21 (1) Subject to paragraph 15, section 36 and any provision...

*Interpretation*

- 22 (1) In this Part of this Schedule— “official form” means...

SCHEDULE 9 — Review of old mineral planning permissions

*Interpretation*

- 1 (1) In this Schedule— “dormant site” means a Phase I...

*Phase I and II sites*

- 2 (1) This paragraph has effect for the purposes of determining...

*The “first list”*

- 3 (1) A planning authority shall, in accordance with the following...

*The “second list”*

- 4 (1) A planning authority shall, in accordance with the following...

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*Advertisement of the first and second lists*

5 (1) This paragraph makes provision for the advertisement of the...

*Applications for inclusion in the first list of sites not included in that list as originally prepared and appeals from decisions upon such applications*

6 (1) Any person who is the owner of any land,...

*Postponement of the date specified in the first or second list for review of the permissions relating to a Phase I or II site in cases where the existing conditions are satisfactory*

7 (1) Any person who is the owner of any land,...

*Service on owners etc. of notice of preparation of the first and second lists*

8 (1) The planning authority shall, no later than the date...

*Applications for approval of conditions and appeals in cases where the conditions approved are not those proposed*

9 (1) Any person who is the owner of any land,...

*Notice of determination of conditions to be accompanied by additional information in certain cases*

10 (1) This paragraph applies in a case where—

*Right to appeal against planning authority's determination of conditions etc.*

11 (1) Where the planning authority— (a) on an application under...

*Permissions ceasing to have effect*

12 (1) Subject to paragraph 8(11), where no application under paragraph...

*Reference of applications to the Secretary of State*

13 (1) The Secretary of State may give directions requiring applications...

*Two or more applicants*

14 (1) Where a planning authority have received from any person...

*Compensation*

15 (1) This paragraph applies in a case where—

*Appeals: general procedural provisions*

16 (1) This paragraph applies to appeals under paragraph 6(11) or...

SCHEDULE 10 — Periodic review of mineral planning permissions

*Duty to carry out periodic reviews*

1 The planning authority shall, in accordance with the provisions of...

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### *Interpretation*

- 2 (1) For the purposes of this Schedule— “first review date”,...

#### *The first review date*

- 3 (1) Subject to sub-paragraph (7), in a case where the...

#### *Service of notice of first periodic review*

- 4 (1) The planning authority shall, in connection with the first...

#### *Application for postponement of the first review date*

- 5 (1) Any person who is the owner of any land,...

#### *Application to determine the conditions to which the mineral permissions relating to a mining site are to be subject*

- 6 (1) Any person who is the owner of any land,...

#### *Permissions ceasing to have effect*

- 7 Where no application under paragraph 6 in respect of a...

#### *Reference of applications to the Secretary of State*

- 8 (1) The Secretary of State may give directions requiring applications...

### *Appeals*

- 9 (1) Where on an application under paragraph 6 the planning...

#### *Time from which conditions determined under this Schedule are to take effect*

- 10 (1) Where an application has been made under paragraph 6...

#### *Two or more applicants*

- 11 (1) Where a planning authority have received from any person...

#### *Second and subsequent periodic reviews*

- 12 (1) In this paragraph, in relation to a mining site,...

### *Compensation*

- 13 (1) This paragraph applies where— (a) an application made under...

## SCHEDULE 11 — Development not constituting new development

- 1 (1) The carrying out of— (a) the rebuilding, as often...  
2 The use as two or more separate dwellinghouses of any...  
3 Where after 1st July 1948— (a) any buildings or works...  
4 For the purposes of paragraph 1 the cubic content of...  
5 (1) In this Schedule “at a material date” means at...  
6 (1) In relation to a building erected after 1st July...

## SCHEDULE 12 — Condition treated as applicable to rebuilding and alterations

- 1 Where the building to be rebuilt or altered is the...

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- 2 Where the building to be rebuilt or altered is not...
- 3 In determining under this Schedule the purpose for which floor...
- 4 (1) For the purposes of this Schedule gross floor space...
- 5 In relation to a building erected after 1st July 1948...

### SCHEDULE 13 — Regulations as to compensation in respect of orders relating to mineral working

#### *Power to modify compensation provisions*

- 1 (1) The Secretary of State may by regulations . ....

#### *Determination of claims*

- 2 The references in section 86 to questions of disputed compensation...

### SCHEDULE 14 — Blighted land

#### *Land allocated for public authority functions in development plans etc.*

- 1 (1) This paragraph applies to land indicated in a structure...
- 2 (1) This paragraph applies to land which—
- 3 This paragraph applies to land indicated in a plan (other...
- 4 This paragraph applies to land in respect of which a...

#### *New towns and urban development areas*

- 5 (1) This paragraph applies to land within an area described...
- 6 This paragraph applies to land within an area designated as...
- 7 (1) This paragraph applies to land which is—

#### *Housing action areas*

- 8 This paragraph applies to land within an area declared to...
- 9 This paragraph applies to land which is surrounded by or...

#### *Roads*

- 10 This paragraph applies to land indicated in a development plan...
- 11 (1) This paragraph applies to land on or adjacent to...
- 12 This paragraph applies to land shown on plans approved by...
- 13 This paragraph applies to land comprised in the site of...

#### *Compulsory purchase*

- 14 This paragraph applies to land authorised by a special enactment...
- 15 (1) This paragraph applies to land in respect of which—...

### SCHEDULE 15 — General vesting declarations

#### Part I — GENERAL PROVISIONS

#### *Execution of general vesting declarations*

- 1 (1) Where a compulsory purchase order authorising an acquiring authority...
- 2 (1) Before making a general vesting declaration with respect to...
- 3 (1) Subject to sub-paragraph (2), a general vesting declaration shall...

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- 4 As soon as may be after executing a general vesting...
- 5 For the purposes of this Schedule, a certificate by the...

*Effect of general vesting declaration*

- 6 At the end of the period specified in a general...
- 7 At the end of the period specified in a general...
- 8 Where any land specified in a general vesting declaration is...

*Recovery of compensation overpaid*

- 9 Paragraphs 10 to 14 shall have effect where, after the...
- 10 If, in a case falling within paragraph 9, it is...
- 11 If in a case falling within paragraph 9, it is...
- 12 Any question arising under paragraph 10 or 11—
- 13 Subject to paragraph 12, any amount recoverable by the acquiring...
- 14 Any sum recovered under paragraph 10 or 11 in respect...

*Penalty for false information in claiming compensation*

- 15 (1) If any person for the purpose of obtaining for...  
Part II — SUPPLEMENTARY PROVISIONS
- 16 This Part shall have effect for the purposes of paragraphs...

*Exclusion of power of entry under the Acquisition Act 1947*

- 17 Paragraph 3 of Schedule 2 to the Acquisition Act 1947...

*Restriction on withdrawal of constructive notice to treat*

- 18 The power conferred by section 39 of the Land Compensation...

*Objection to severance*

- 19 Paragraph 4 of Schedule 2 to the Acquisition Act 1947...
- 20 (1) If a general vesting declaration under this Act comprises...
- 21 Where a notice of objection to severance is served in...
- 22 Within 3 months after a person has served on an...
- 23 If the acquiring authority do not take action in accordance...
- 24 Where in accordance with paragraph 22 or 23 the notice...
- 25 Where an acquiring authority take action in accordance with paragraph...
- 26 Where in accordance with paragraph 22(c) an acquiring authority refer...
- 27 (1) If on such a reference the Lands Tribunal does...
- 28 Where by virtue of paragraph 22(a), 23, 25 or 27...
- 29 (1) Where in accordance with paragraph 20(1) a person is...

*Compensation*

- 30 Where any of the land specified in a general vesting...
- 31 Sections 56 to 60 and sections 63 to 66 of...

*Charges and tenancies*

- 32 (1) Where land specified in a general vesting declaration under...
- 33 Where land specified in a general vesting declaration under this...
- 34 Where any of the land specified in a general vesting...

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### *Miscellaneous*

- 35 Where, after land has become vested in an acquiring authority...  
 36 (1) The time within which a question of disputed compensation,...  
 37 At the end of the period specified in a general...  
 Part III — INTERPRETATION  
 38 (1) In this Schedule— “short tenancy” means a tenancy for...  
 39 In this Schedule— “Acquisition Act 1947” means the Acquisition of...

### SCHEDULE 16 — Procedure for making and confirming orders relating to roads and rights of way

#### Part I — MAKING ORDERS

##### *Procedure for making of orders by Secretary of State*

- 1 (1) Before making an order under section 202 or 206(1)(a)...

##### *Procedure in anticipation of planning permission, etc.*

- 2 (1) Where the Secretary of State would, if planning permission...

##### *Further procedure in anticipation of planning permission, etc.*

- 3 (1) Where a planning authority would, if planning permission for...

#### Part II — CONFIRMATION OF ORDERS

##### *Application*

- 4 (1) This Part shall have effect with respect to the...

##### *Confirmation of orders made by other authorities*

- 5 (1) An order made under section 203 by a competent...  
 6 (1) Before an order under section 203, 206(1)(b), 207 or...  
 7 If no representations or objections are duly made, or if...  
 8 (1) This paragraph applies where any representation or objection duly...  
 9 (1) The Secretary of State shall not confirm an order...  
 10 Regulations may, subject to this Part, make such provision as...  
 Part III — PUBLICITY FOR ORDERS AFTER CONFIRMATION  
 11 (1) As soon as may be after an order under...

### SCHEDULE 17 — Enforcement as respects war-time breaches by the crown of planning control

#### *Preliminary*

- 1 In this Schedule— “authority” means an authority responsible for enforcing...

##### *Making of compliance determination applications*

- 2 (1) A compliance determination application may be made with respect...  
 3 A compliance determination application shall be accompanied by such plans...  
 4 (1) The authority to whom a compliance determination application is...

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### *Determination of applications*

- 5 (1) Where a compliance determination application is made to an...

### *Appeals against compliance determinations or failure to make such determinations*

- 6 (1) Where the applicant is aggrieved by a compliance determination, ...  
7 (1) On such an appeal the Secretary of State may ...  
8 Subject to paragraph 9 and to any determination or decision...

### *Fresh applications where alteration in circumstances*

- 9 Where a compliance determination has been given that works on...

### *References of application to Secretary of State*

- 10 (1) If it appears to the Secretary of State that...

### *Information*

- 11 The Secretary of State may give directions to any authority...

### *Opportunity for hearing*

- 12 (1) On a compliance determination application the applicant may require...

### *Notice of proposed enforcement*

- 13 (1) This paragraph applies where before the relevant date any...

### *Power of entry*

- 14 (1) At any time before the relevant date any officer...

### *Service of notices*

- 15 (1) Any notice or other document required or authorised to...

### *Supplementary provisions*

- 16 Parts XIII and XIV do not apply to section 251...

SCHEDULE 18 — Provisions of this Act referred to in sections 261 to 263

Part I — PROVISIONS REFERRED TO IN SECTIONS 261(1) AND (2) AND 262(1)

Sections 4 to 22. Section 24. Section 26. Section 27(2)...

Part II — PROVISIONS REFERRED TO IN SECTION 263(1)

Section 26. Section 27(2) to (6) so far as applying...

— TABLE OF DERIVATIONS

1 *Notes:*

2 The following abbreviations are used in the Table—

### *Acts of Parliament*

- 3 The Table does not show the effect of Transfer of...  
4 The Table does not give details of the effect of...  
5 “Sc Law Com Rec No.” followed by a number indicates...

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