



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Publicity for applications*

#### **34 Publication of notices of applications.**

- (1) Subject to subsection (2), regulations or a development order may provide, either in relation to applications generally or in relation to applications of a class or classes prescribed in the regulations or order, that—
- (a) any such application shall have been notified to such persons or classes of person, and in such manner, as may be so prescribed;
  - (b) any such application shall have been advertised, either in a local newspaper or on the land to which the application relates, or both, in such a manner and for such a period or on such a number of occasions as may be so prescribed;
  - (c) any newspaper advertisement required by virtue of paragraph (b) shall be placed by the planning authority to whom the application is made;
  - (d) the planning authority may recover from the applicant the cost incurred by them in arranging any such advertisement;
  - (e) any such application shall be accompanied by such certificates as to compliance with the requirements of provisions made under paragraphs (a) and (b) as may be so prescribed;
  - (f) the applicant shall furnish, at such time and to such persons as may be so prescribed, such information with respect to the application as may be so prescribed;
  - (g) no such application shall be entertained unless such further conditions as to payment as may be so prescribed have been complied with;

*Status: Point in time view as at 27/11/2003.*

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- (h) no such application shall be determined until after the expiry of any period which may be so prescribed.
- (2) The applications mentioned in subsection (1) are—
  - (a) applications for planning permission,
  - (b) applications for an approval required by a development order, and
  - (c) applications for any consent, agreement or approval required by a condition imposed on a grant of planning permission.
- (3) If any person knowingly or recklessly—
  - (a) issues a notification,
  - (b) makes advertisement (other than newspaper advertisement), or
  - (c) supplies a certificate,
 which purports to comply with provisions made under subsection (1) but which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A planning authority shall not entertain any application for planning permission unless any requirements imposed by virtue of this section have been satisfied.
- (6) Proceedings for an offence under this section may be brought at any time within the period of 2 years following the commission of the offence.

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

- (1) Regulations or a development order 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 21 days ending with the date of the application was—
    - (i) the owner of, or
    - (ii) the tenant of any agricultural [<sup>F1</sup>land] 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) The regulations or order may require an applicant for planning permission to certify, in such form as may be prescribed by the regulations or the order, or to provide evidence, that any requirements of the regulations or the order have been satisfied.
- (3) Regulations or an order 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—

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- (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—

[<sup>F2</sup>“agricultural land” means land comprised in a lease constituting a 1991 Act tenancy within the meaning of the Agricultural Holdings (Scotland) Act 2003 (asp 11) or comprised in a lease constituting a short limited duration tenancy or a limited duration tenancy (within the meaning of that Act);] 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 7 years, or
- (b) in the case of such applications as may be prescribed by regulations or by a development order, 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 2 years following the commission of the offence.

#### Textual Amendments

- F1** Word in s. 35(1)(a)(ii) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 51\(a\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)
- F2** Words in s. 35(7) substituted (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), s. 95(3)(4), [Sch. para. 51\(b\)](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)

## 36 Registers of applications etc.

(1) Every planning authority shall keep, in such manner as may be prescribed by regulations or a development order, a register containing such information as may be so prescribed with respect to—

- (a) applications for planning permission and for approval required by the regulations or order made to that authority,
- (b) the manner in which such applications have been dealt with, and
- (c) simplified planning zone schemes relating to zones in the authority’s area.

(2) The regulations or the order may make provision for the register to be kept in two or more parts, each part containing such information relating to applications mentioned in subsection (1)(a) as may be prescribed by the regulations or order.

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- (3) The regulations or the order may also make provision—
- (a) for a specified part of the register to contain copies of applications and of any plans or drawings submitted with them, and
  - (b) for the entry relating to any application, and everything relating to it, to be removed from that part of the register when the application (including any appeal arising out of it) has been finally disposed of (without prejudice to the inclusion of any different entry relating to it in another part of the register).
- (4) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

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