



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART XIV

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Application of Act in special cases*

#### **262 Power to modify Act in relation to minerals.**

- (1) In relation to development consisting of the winning and working of minerals or involving the depositing of mineral waste, the provisions specified in Part I of Schedule 18 shall have effect subject to such adaptations and modifications as may be prescribed by regulations.
- (2) Such regulations <sup>F1</sup> . . . shall be of no effect unless they are approved by resolution of each House of Parliament.
- (3) Any such regulations shall not apply—
  - (a) to the winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works on it which are occupied or used for those purposes, or
  - (b) to the winning and working of peat by any person for the domestic requirements of that person.
- (4) Nothing in subsection (1) or (3) shall be construed as affecting the prerogative right of Her Majesty to any gold or silver mine.

*Status: Point in time view as at 21/04/2006.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Application of Act in special cases is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F1** Words in s. 262(2) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 127(20)**, Pt. IV; S.I. 1998/3178, **art. 3**

## 263 Application of certain provisions to planning authorities.

- (1) In relation to land of planning authorities and to the development by local authorities of land in respect of which they are the planning authorities, the provisions specified in Part II of Schedule 18 shall have effect subject to such exceptions and modifications as may be prescribed by regulations.
- (2) Subject to section 57, such regulations may in particular provide for securing—
  - (a) that any application by such an authority for planning permission to develop such land, or for any other consent required in relation to such land under those provisions, shall be made to the Secretary of State and not to the planning authority, and
  - (b) that any order or notice authorised to be made or served under those provisions in relation to such land shall be made or served by the Secretary of State and not by the planning authority.
- (3) Sections 34 and 35 and 38(1) and (2) shall apply, with the necessary modifications, in relation to applications made to the Secretary of State in pursuance of such regulations as they apply in relation to applications for planning permission which fall to be determined by the planning authority.
- (4) In relation to statutory undertakers who are planning authorities, section 236 and the provisions specified in that section shall have effect subject to such exceptions and modifications as may be prescribed.
- (5) In relation to an urban development corporation which is the planning authority by virtue of an order under section 149(6) of the <sup>M1</sup>Local Government, Planning and Land Act 1980, subsections (1) to (3) shall have effect for the purposes of Part III of this Act prescribed in the order, and in relation to the kinds of development so prescribed as if—
  - (a) in subsection (1) the reference to development by local authorities of land in respect of which they are the planning authorities included a reference to development by the corporation of land in respect of which it is the planning authority, and
  - (b) in subsection (2)—
    - (i) in paragraph (a) the words “ the corporation ” were substituted for the words “such an authority”, and the word “ corporation ” were substituted for the words “planning authority”, and
    - (ii) in paragraph (b) the word “ corporation ” were substituted for the words “planning authority”.

### Modifications etc. (not altering text)

- C1** S. 263 extended (27.5.1997) by 1997 c. 9, **ss. 79(1)**, 83(2) (with s. 45(4))

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**Marginal Citations**

**M1** 1980 c. 65.

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