



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART VIII

#### ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES ETC.

##### *Extinguishment of certain rights affecting acquired or appropriated land*

#### **198 Use and development of land for open spaces.**

- (1) Any land being, or forming part of, a common or open space, which has been acquired by a Minister, a local authority or statutory undertakers under this Part or under Chapter V of Part I of the <sup>M1</sup>Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or compulsorily under any other enactment, or which has been appropriated by a planning authority for planning purposes, may—
  - (a) in the case of land acquired by a Minister, be used in any manner by him or on his behalf for any purpose for which he acquired the land, and
  - (b) in any other case, be used by any person in any manner in accordance with planning permission,notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.
- (2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the instance of any person on any ground other than contravention of any such enactment as is mentioned in subsection (1).

#### **Modifications etc. (not altering text)**

- C1** [S. 198](#) applied (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 4 para. 4\(5\)\(6\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#),

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*Status: Point in time view as at 21/04/2006.*

**Changes to legislation:** *Town and Country Planning (Scotland) Act 1997, Section 198 is up to date with all changes known to be in force on or before 12 August 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)*

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arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

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**Marginal Citations**

**M1** 1997 c. 9.

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