



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART XIV

MISCELLANEOUS AND GENERAL PROVISIONS

Miscellaneous and general provisions

275 Regulations and orders.

- (1) The Secretary of State may make regulations—
 - (a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any planning authority which is a local authority,
 - (b) for any purpose for which regulations are authorised or required to be made under this Act, other than a purpose for which regulations are authorised or required to be made by another Minister, and
 - (c) for any of the purposes mentioned in section 28 of the ^{M1}Land Compensation (Scotland) Act 1963 (power to prescribe matters relevant to Part IV).
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.

[^{F1}(2A) Regulations may make different provision for different purposes.]

[^{F2}[^{F3}(2B)] Any power conferred by this Act to make regulations or orders includes power to make such incidental, supplemental, consequential, transitory, transitional or saving provision as the Scottish Ministers consider necessary or expedient.]

- (3) Any statutory instrument containing regulations made under this Act (except regulations which, by virtue of any provision of this Act, are of no effect unless approved by a resolution of each House of Parliament) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: Point in time view as at 08/11/2019. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 275 is up to date with all changes known to be in force on or before 11 June 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)

- (4) The power to make development orders under section 30 and to make orders under sections [F4 4(1)], 26(2)(f)[F5, (6A) and (6C),[F6 26AB(1),] 31A], 54 and 100(3)(a) or paragraph 7 or 8 of Schedule 1 shall be exercisable by statutory instrument.
- (5) Any statutory instrument which contains a development order or an order under section [F7 4(1), 54, 100(3)(a), 241B(3), 241C(6) or 241D(3)(f)] or paragraph 4(5) or 5(5) of Schedule 9 shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [F8 (5A) No order made under section 26(6A) [F9 or (6C)][F10 or 26AB(1)] is to be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the Scottish Parliament.]
- (6) Without prejudice to subsection (5), where a development order makes provision for excluding or modifying any enactment contained in a public general Act (other than an enactment specified in subsection (7)) [F11 or in an Act of the Scottish Parliament (other than a private Act or an enactment specified in subsection (7))] the order shall not have effect until that provision is approved by a resolution of each House of Parliament.
- (7) The enactments referred to in subsection (6) are—
- [F12 (a)
- (b) any enactment making such provision as might by virtue of any Act of Parliament [F13 or of the Scottish Parliament] have been made in relation to the area to which the development order applies by means of a bylaw, order or regulation not requiring confirmation by Parliament [F14 or by the Scottish Parliament], and
- (c) any enactment which has been previously excluded or modified by a development order, and any enactment having substantially the same effect as any such enactment.
- [F15 (7A) On the first occasion on which regulations are made under each of paragraph (d) of section 7(1) and paragraph (a)(i) of section 19(10), the statutory instrument containing the regulations is not made unless a draft of the instrument has been laid before, and approved by a resolution of, the Parliament.
- (7B) A statutory instrument containing regulations made under section 136A(4) or 145A(4) is not made unless a draft of the instrument has been laid before, and approved by a resolution of, the Parliament.]
- [F16 (7BA) Regulations under sections 3CC(3), 3G(5)(b), 26B(5), 40A, 41B(4), 77A(1), 251B(2) and [] and paragraph 3 of schedule 5A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).]
- (8) Without prejudice to section 14 of the M2 Interpretation Act 1978, any power conferred by this Act to make an order shall include power to vary or revoke any such order by a subsequent order.

Textual Amendments

- F1** S. 275(2A) inserted (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), [Sch. 7 para. 20\(3\)](#) (with s. 111); S.S.I. 2006/268, art. 3(d)
- F2** Second s. 275(2A) inserted (6.2.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 54\(16\)\(a\)](#), 59(2); S.S.I. 2007/49, art. 2, sch.

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- F3** S. 275(2B): second s. 275(2A) renumbered as s. 275(2B) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 32](#); S.S.I. 2014/160, art. 2(1)(2), sch.
- F4** Word in s. 275(4) substituted (19.5.2008 for specified purposes, 28.2.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 54\(16\)\(b\)\(i\)](#), 59(2); S.S.I. 2008/164, art. 2(1), S.S.I. 2009/70, art. 2, sch.
- F5** Words in s. 275(4) substituted (6.2.2007 for specified purposes, 1.4.2007 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 3\(4\)\(a\)](#), 59(2); S.S.I. 2007/49, art. 2, sch., S.S.I. 2007/130, art. 2, sch
- F6** Word in s. 275(4) inserted (6.4.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), [ss. 63\(4\)\(a\)](#), 168(1) (with s. 162); S.S.I. 2011/58, art. 3(a)
- F7** Words in s. 275(5) substituted (19.5.2008 for specified purposes) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 54\(16\)\(c\)](#), 59(2); S.S.I. 2008/164, art. 2(1)
- F8** S. 275(5A) inserted (6.2.2007 for specified purposes, 31.3.2007 in so far as not already in force) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), [ss. 24\(4\)\(b\)](#), 38(1); S.S.I. 2007/50, art. 2
- F9** Words in s. 275(5A) inserted (6.2.2007 for specified purposes, 1.4.2007 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 3\(4\)\(b\)](#), 59(2); S.S.I. 2007/49, art. 2, sch., S.S.I. 2007/130, art. 2, sch
- F10** Words in s. 275(5A) inserted (6.4.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), [ss. 63\(4\)\(b\)](#), 168(1) (with s. 162); S.S.I. 2011/58, art. 3(a)
- F11** Words in s. 275(6) inserted (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 54\(16\)\(d\)](#), 59(2); S.S.I. 2007/130, art. 2(2), sch.
- F12** S. 275(7)(a) repealed (1.1.2010) by [The Public Health etc. \(Scotland\) Act 2008 \(Commencement No.3, Consequential Provisions and Revocation\) Order 2009 \(S.S.I. 2009/404\)](#), art. 2(4), [sch. 4 Pt. 1](#)
- F13** Words in s. 275(7)(b) inserted (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 54\(16\)\(e\)\(i\)](#), 59(2); S.S.I. 2007/130, art. 2(2), sch.
- F14** Words in s. 275(7)(b) inserted (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 54\(16\)\(e\)\(ii\)](#), 59(2); S.S.I. 2007/130, art. 2(2), sch.
- F15** S. 275(7A)(7B) inserted (19.5.2008 for specified purposes, 28.2.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 54\(16\)\(f\)](#), 59(2); S.S.I. 2008/164, art. 2(1), S.S.I. 2009/70, art. 2, sch.
- F16** S. 275(7BA) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 9\(2\)](#); S.S.I. 2019/314, reg. 2, sch.

Marginal Citations

- M1** 1963 c. 51.
M2 1978 c. 30.

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