



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART V

#### RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

#### CHAPTER I

#### INTERESTS AFFECTED BY PLANNING DECISIONS OR ORDERS

#### *Duties of authorities on service of purchase notice*

#### **91 Procedure on reference of purchase notice to Secretary of State.**

- (1) Where a copy of a purchase notice is sent to the Secretary of State under section 90(4), he shall consider whether to confirm the notice or to take other action under section 92 in respect of it.
- (2) Before confirming a purchase notice or taking such other action, the Secretary of State shall give notice of his proposed action—
  - (a) to the person who served the purchase notice,
  - (b) to the planning authority on whom it was served, and
  - (c) if the Secretary of State proposes to substitute any other local authority or statutory undertakers for the planning authority on whom the notice was served, to them.
- (3) A notice under subsection (2) shall specify the period (which must not be less than 28 days from its service) within which any of the persons, authorities or statutory undertakers on whom it is served may require the Secretary of State to give them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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**Status:** Point in time view as at 21/04/2006.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 91 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)*

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- (4) If within that period any of those persons, authorities or statutory undertakers so require, the Secretary of State shall, before he confirms the purchase notice or takes any other action under section 92 in respect of it, give each of them such an opportunity.
- (5) If, after any of those persons, authorities or statutory undertakers have appeared before and been heard by the appointed person, or the persons, authorities and undertakers concerned have agreed to dispense with a hearing, it appears to the Secretary of State to be expedient to take action under section 92 otherwise than in accordance with the notice given by him, the Secretary of State may take that action accordingly.

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

- C1** [S. 91\(2\)\(c\)](#): power to modify conferred (27.5.1997) by 1980 c. 65, [Sch. 30 Pt. II para. 2](#) (as replaced (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 31\(12\)](#))

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