

1969 No. 1569 (C.45) (S.127)

TOWN AND COUNTRY PLANNING, SCOTLAND
The Town and Country Planning (Scotland) Act 1969
(Commencement No. 1) Order 1969

Made - - - - 30th October 1969

In exercise of the powers conferred on me by section 104 of the Town and Country Planning (Scotland) Act 1969(a), I hereby make the following order:—

1.—(1) This order may be cited as the Town and Country Planning (Scotland) Act 1969 (Commencement No. 1) Order 1969.

(2) In this order:—

“the Act” means the Town and Country Planning (Scotland) Act 1969;

“the 1945 Act” means the Town and Country Planning (Scotland) Act 1945(b);

“the 1947 Act” means the Town and Country Planning (Scotland) Act 1947(c);

“the 1959 Act” means the Town and Country Planning (Scotland) Act 1959(d).

2. The provisions of the Act specified in column 1 of Schedule 1 to this order (which relate to the matters specified in column 2 thereof) shall come into operation in the whole of Scotland on 8th December 1969.

3. The transitional provisions contained in Schedule 2 to this order shall have effect in connection with the provisions brought into force by this order

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
30th October 1969.

(a) 1969 c. 30.
(c) 1947 c. 53.

(b) 1945 c. 33.
(d) 1959 c. 70.

SCHEDULE I

Article 2

PROVISIONS COMING INTO OPERATION ON 8th DECEMBER 1969

Provisions of the Act	Subject matter of Provisions
Section 13	Regulations and directions as to structure and local plans, and provision for their operation.
Section 14	Proceedings for questioning validity of structure plans, etc.
Section 15	New provision as to enforcement notices.
Section 16	Appeal against enforcement notice.
Section 17	Enforcement notice to have effect against subsequent development.
Part IV (except section 35 and section 36 in so far as it relates to section 35).	Acquisition and disposal of land.
Section 61	Constitution of Planning Inquiry Commissions.
Section 62	References to a Planning Inquiry Commission.
Section 63	Procedure on reference to a Planning Inquiry Commission.
Section 64	Commissions to inquire into planning matters affecting Scotland and England.
Section 65	Delegation of planning functions to officers of local authorities.
Section 66	Limit of duration of planning permissions past and future.
Section 67	Outline planning permissions.
Section 68	Provisions supplementary to sections 66 and 67.
Section 69	Termination of planning permission by reference to time limit.
Section 70	New provision as to what is "operational land" of statutory undertakers.
Section 71	Planning applications and appeals by statutory undertakers.
Section 72	Restrictions on entitlement of statutory undertakers to compensation for adverse planning decisions.
Section 73	Modifications of section 24 of the 1945 Act.
Section 74	Notice for same purposes as section 24 of the 1945 Act but given by statutory undertakers to developing authority.

Provisions of the Act	Subject matter of Provisions
Section 75	Expansion of building below ground to constitute development.
Section 76	Modification of transitory exemptions based on pre-1948 use.
Section 78	Extension of section 12 of the 1947 Act with respect to development affecting trunk and special roads.
Section 79	Information regarding, and local register of, planning applications.
Section 80	Reference to Secretary of State of application for approval under outline planning permission.
Section 83	Notice by Secretary of State to planning authority when exercising default powers.
Section 84	Partial abrogation of dual control of office development.
Section 85	Modification of section 7 of Control of Office and Industrial Development Act 1965(a).
Section 86	Restriction on creation of office premises in building altered or extended.
Section 87	Corresponding restriction on planning permission for erection of several buildings.
Section 88	Provisions supplementary to sections 84 to 87.
Section 89	Procedure for making orders for stopping-up and diverting highways.
Section 90	New powers to authorise stopping-up and diversion of highways.
Section 93	Powers for local planning authorities analogous to section 46 of the 1947 Act.
Section 94	Extinguishment of footpaths etc. over land held for planning purposes.
Section 95	Confirmation, validity, etc. of orders under sections 93 and 94.
Section 96	Miscellaneous amendments of section 46 of, and Schedule 6 to, the 1947 Act.
Section 97	Grants for research, etc.
Section 98	Exchequer contributions in connection with town development.

Provisions of the Act	Subject matter of Provisions
Section 99	Agreements of Crown Estate Commissioners.
Section 100	Increase of certain penalties under the 1947 Act and the 1959 Act.
Section 101	Offences by corporations.
Section 102	Expenses.
Section 103	Interpretation.
Section 104	Commencement.
Section 105	Adaptation, amendment and modification of enactments so far as it relates to those paragraphs of Schedule 9 to the Act specified below.
Section 106	Transitional provisions and savings so far as it relates to those paragraphs of Schedule 10 to the Act specified below.
Section 107	Repeals so far as relating to those provisions of Schedule 11 to the Act specified below.
Section 108	Short title, citation and extent.
Schedule 2	General vesting declarations for land compulsorily acquired.
Schedule 5	Construction of references in sections 62 and 63 to 'the responsible Minister or Ministers.'
Schedule 6	Joint Planning Inquiry Commissions.
Schedule 7	Procedure in connection with orders relating to foot-paths and bridleways.
Schedule 8	Increase of penalties under the 1947 Act and the 1959 Act.
In Schedule 9, paragraph 5	Provisions as to references in other legislation to acquisition of land under Part III of the 1947 Act.
In Schedule 9, paragraph 7	Saving for specific provisions of Part II of Schedule 9 and for Schedule 10 to the Act in construing Part I of Schedule 9.
In Schedule 9, paragraph 8	Amendment of section 18(4) of the 1945 Act (cases where the Secretary of State's consent is needed for the disposal of land held for planning purposes) consequential on the provisions of sections 28 and 29(1) of the Act.

Provisions of the Act	Subject matter of Provisions
In Schedule 9, paragraph 9	Amendment of section 18(5) of the 1945 Act (special provisions as to land comprised in or contiguous or adjacent to areas of comprehensive development) consequential on the provisions of sections 28 and 29(1) of the Act.
In Schedule 9, paragraph 10	Provision as to references in the 1947 Act to section 35 of the Act.
In Schedule 9, paragraph 11	Amendment of section 12 of the 1947 Act (application to local planning authorities for planning permission) as to duration of planning permissions granted under the section and as to directions restricting the grant of planning permission,
In Schedule 9, paragraph 12	Amendment of section 17 of the 1947 Act (obligation to purchase land on refusal of planning permission in certain cases) as to deemed confirmation of purchase notices and as to hearings in connection with purchase notices.
In Schedule 9, paragraph 13	Amendment of section 22 of the 1947 Act (supplementary provisions as to enforcement) substituting for a reference to the sheriff a reference to the Secretary of State and introducing references to breach of planning control.
In Schedule 9, paragraph 14	Approval of the Secretary of State to agreements under section 23 of the 1947 Act to be dispensed with.
In Schedule 9, paragraph 16	Extension of provisions of section 29 of the 1947 Act (power to provide by regulations for enforcement of advertisement control) to include Part II of the Act.
In Schedule 9, paragraph 17	Power to define areas of special advertisement control by reference to the provisions of a development plan to cease to have effect.
In Schedule 9, paragraph 18	Substitution of 16th August 1948 for previous provision as to dates of display of advertisement qualifying for compensation under section 30 of the 1947 Act.
In Schedule 9, paragraph 19	Extension to Part II of the Act of section 32 of the 1947 Act (enforcement in relation to local planning authorities).
In Schedule 9, paragraph 21	Amendment of section 39(1) of the 1947 Act (appropriation of open spaces etc.) as to the purpose for which appropriation may be authorised.
In Schedule 9, paragraph 22	Amendment of section 42(1) of the 1947 Act (objections to compulsory purchase orders) consequential on the provisions of section 28 of the Act.

Provisions of the Act	Subject matter of Provisions
In Schedule 9, paragraph 23	Application to section 73(2) of the 1947 Act (authorisation of existing development) of the provisions of Part II of the Act.
In Schedule 9, paragraph 24	Application of section 78(1) of the 1947 Act (power to modify that Act in relation to minerals) to the provisions of the Act.
In Schedule 9, paragraph 25(a) in relation to the references to sections 24, 26 and 31 of the 1947 Act and section 15 of the Act; and paragraph 25(c) so far as it relates to enforcement notices under section 15 of the Act.	Amendment of provisions as to service of enforcement notices in respect of Crown land.
In Schedule 9, paragraph 26	Power to apply sections 70 to 72 of the Act to the National Coal Board.
In Schedule 9, paragraph 27 so far as it relates to Part II of the Act.	Extension of power in section 93 of the 1947 Act (for Ministers to make contributions towards compensation paid by local authorities) to decisions under Part II of the Act.
In Schedule 9, paragraph 28 so far as it relates to Part II of the Act.	Extension of power under section 94 of the 1947 Act (for local authorities or statutory undertakers to make contributions towards expenses incurred by other authorities) to expenses in performing functions under Part II of the Act.
In Schedule 9, paragraph 29	Application of section 95(2) of the 1947 Act (expenses of local authorities) to the provisions of the Act.
In Schedule 9, paragraph 30 except so far as it relates to enforcement notices under section 44 of the Act.	Default powers of the Secretary of State under section 96 of the 1947 Act to apply to enforcement notices under section 15 of the Act or under the provisions of that section as applied by regulations made under section 29 of the 1947 Act, to stop notices under section 20 of the Act, to completion notices under section 69 of the Act, and to orders requiring steps to be taken for the acquisition of land under section 29 of the Act.
In Schedule 9, paragraph 31 except so far as it relates to listed buildings and buildings proposed to be listed	Rights of entry under the 1947 Act to apply in connection with notices under Part II of the Act, claims for compensation under any provision of the Act and acquisitions of land by local authorities or Ministers authorised to acquire land under section 29 or 30 of the Act.
In Schedule 9, paragraph 32 except so far as it relates to Part V of the Act	Extension of provision (in section 105 of the 1947 Act) as to determination of claims for compensation, to claims under Part II or section 91 of the Act.

Provisions of the Act	Subject matter of Provisions
In Schedule 9, paragraph 33	Insertion in the 1947 Act of definition of the Act ("the Act of 1969").
In Schedule 9, paragraph 35 except so far as it relates to Part V of the Act.	Extension of provision (in paragraph 1 of Schedule 4 to the 1947 Act) as to compensation for depreciation in the value of land, to compensation under section 91 of the Act (conversion of highway into footpath or bridleway).
In Schedule 9, paragraph 36	Amendments of paragraph 1 of Schedule 5 to the 1947 Act (determination of applications etc. by statutory undertakers in respect of operational land) as to applications deemed to be made under section 16(7) or 19(5) of the Act.
<p>In Schedule 9, paragraph 38(a) so far as it relates to the following orders:—</p> <p>(f) any order under section 22 of the 1945 Act</p> <p>(g) any order under section 26 of the 1945 Act</p> <p>(h) any order under section 46 of the 1947 Act</p> <p>(i) any order under section 90 of the Act</p> <p>(j) any order under section 91 of the Act</p> <p>(k) any order under section 93 or 94 of the Act.</p>	<p>Extension of section 31 of the 1959 Act (orders and actions which are the subject of special provisions as to challenge) to orders concerning extinguishment of right of way, relief for statutory undertakers, stopping-up and diversion of highways, conversion of highway into footpath or bridleway and stopping-up and extinguishment of footpaths etc.</p>
<p>In Schedule 9, paragraph 38(b) so far as it relates to the following decisions under the Act:—</p> <p>(f) any decision of the Secretary of State on an appeal to him under section 14 of the Civic Amenities Act 1967(a).</p> <p>(g) any decision of the Secretary of State on an appeal to him under section 16(1)(a), (f), or (g);</p> <p>(h) any decision of the Secretary of State on an application for an established use certificate referred to him under section 19(1);</p> <p>(i) any decision of the Secretary of State on an appeal under section 19(2);</p>	<p>Extension of section 31 of the 1959 Act (orders and actions which are the subject of special provisions as to challenge) to decisions concerning enforcement notices, established use certificates and completion notices.</p>

Provisions of the Act	Subject matter of Provisions
(k) any decision of the Secretary of State to confirm a completion notice under section 69	
In Schedule 9, paragraph 38(c)	Extension of section 31(5)(b) of the 1959 Act (power of Court of Session to quash orders or actions) to the provisions of the Act.
In Schedule 9, paragraph 39	Amendment of section 35 of the 1959 Act (publication of notices of applications for planning permission) as to determination of applications of which notice is required to be published under the section.
In Schedule 9, paragraph 40	Amendments of section 36 of the 1959 Act (notification of applications for planning permissions to owners and agricultural tenants) as to the form of certificates to be furnished under the section.
In Schedule 9, paragraph 41	Amendment of section 17 of the Control of Office and Industrial Development Act 1965(a) (application to Scotland) consequential on the amendment of that Act by the Town and Country Planning Act 1968(b).
In Schedule 9, paragraph 42	Amendment of section 24 of the Industrial Development Act 1966(c) (provisions as to conditions of industrial development certificates) consequential on the replacement of section 46 of the Town and Country Planning Act 1962(d) and section 21 of the 1947 Act by section 16 of the Town and Country Planning Act 1968 and section 16 of the Act respectively.
In Schedule 9, paragraph 46	Application of the Act to Conservation Areas under section 1 of the Civic Amenities Act 1967(e).
In Schedule 9, paragraph 50	Amendment of section 14 of the Civic Amenities Act 1967 (default powers and appeals in relation to replacement of trees) consequential on the replacement of section 21 of the 1947 Act by section 16 of the Act.
In Schedule 9, paragraph 52	Consequential amendment to definitions in the Civic Amenities Act 1967.
In Schedule 10, paragraphs 1 to 15	Transitional provisions in relation to development plans, enforcement of planning control and acquisition of land.
In Schedule 10, paragraph 19	Savings for existing regulations under section 86(1) of the 1947 Act.

(a) 1965 c. 33.
(c) 1966 c. 34.
(e) 1967 c. 69.

(b) 1968 c. 72.
(d) 1962 c. 38.

Provisions of the Act	Subject matter of Provisions
<p>In Schedule 11, the entries relating to the 1945 Act; the 1947 Act, sections 7, 21, 23(1), 29(4), 34 to 36, 37, 39, 42, 83(2)(a), 84, 107(4), Schedule 5, Schedule 6, and Schedule 10; the Post Office Act 1953(a); the Electricity Act 1957(b); the Land Powers (Defence) Act 1958(c); the 1959 Act, in section 31 the proviso to subsection (9), section 38, section 42(5), and Schedule 5; the Post Office Act 1961(d); the Land Compensation (Scotland) Act 1963(e); the Housing (Scotland) Act 1966 (f); the Land Commission Act 1967(g); the New Towns (Scotland) Act 1968(h); and the Town and Country Planning Act 1968(i) in Schedule 9, paragraph 66(b).</p>	<p>Repeals consequential upon the bringing into operation of the foregoing provisions of the Act.</p>

SCHEDULE 2

Article 3

TRANSITIONAL PROVISIONS

1. The substitution of section 14 of the Act for section 9 of the 1947 Act shall not prejudice the continued operation of that section as originally enacted in relation to development plans approved or made under Part II of the 1947 Act whether before or after 8th December 1969.

2. The bringing into operation of the repeal of Schedule 6 to the 1945 Act and sections 36 and 42 of, and Schedule 6 to, the 1947 Act shall not affect the operation of any direction included in a compulsory purchase order confirmed before 8th December 1969 that those provisions shall apply to the order.

3. The bringing into operation of the repeal of section 176 of the Housing (Scotland) Act 1966 and of sections 15 to 17 of, and Schedule 7 to, the New Towns (Scotland) Act 1968 shall not affect the operation of any direction included in a compulsory purchase order confirmed before 8th December 1969 that those provisions shall apply to the order.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force for the whole of Scotland the provisions of the Town and Country Planning (Scotland) Act 1969 which are set out in Schedule 1 to this Order, subject to the transitional provisions contained in Schedule 2.

(a) 1953 c. 36.
(d) 1961 c. 15.
(g) 1967 c. 1.

(b) 1957 c. 48.
(e) 1963 c. 51.
(h) 1968 c. 16.

(c) 1958 c. 30.
(f) 1966 c. 49.
(i) 1968 c. 72.