
 S T A T U T O R Y I N S T R U M E N T S

1973 No. 1165 (S.90)

TOWN AND COUNTRY PLANNING, SCOTLAND
The Town and Country Planning (Use Classes)

(Scotland) Order 1973

Made - - - *29th June 1973*

Coming into Operation *1st August 1973*

In exercise of powers conferred on me by sections 19 (2)(f) and 273 (3) and (4) of the Town and Country Planning (Scotland) Act 1972(a), and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and commencement

1. This order may be cited as the Town and Country Planning (Use Classes) (Scotland) Order 1973 and shall come into operation on 1st August 1973.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, namely:—

“Act” means the Town and Country Planning (Scotland) Act 1972;

“betting office” means any building in respect of which there is for the time being in force a betting office licence pursuant to the provisions of the Betting, Gaming and Lotteries Acts 1963 to 1971;

“general industrial building” means an industrial building, other than a light industrial building or a special industrial building;

“industrial building” means a building (other than a building in or adjacent to and belonging to a quarry or mine and other than a shop) used for the carrying on of any process for or incidental to any of the following purposes, namely:—

(a) the making of any article or of part of any article, or

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale or breaking up or demolition of any article, or

(a) 1972 c. 52.

(b) 1889 c. 63.

(c) without prejudice to the foregoing paragraphs, the getting, dressing or treatment of minerals, being a process carried on in the course of trade or business other than agriculture, and for the purpose of this definition the expression "article" means an article of any description, including a ship or vessel;

"launderette" includes any building used for the purpose of washing or cleaning clothes or fabrics in machines available for operation by members of the public;

"light industrial building" means an industrial building (not being a special industrial building) in which the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

"motor vehicle" means any motor vehicle for the purposes of the Road Traffic Acts 1960 to 1967;

"office" includes a bank and premises occupied by an estate agency, building society or employment agency, or (for office purposes only) for the purpose of car hire or driving instruction, but does not include a post office or betting office;

"post office" does not include any building used primarily for the sorting or preparation for delivery of mail or for the purposes of Post Office administration;

"shop" means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and without prejudice to the generality of the foregoing includes a building used for the purposes of a hairdresser, undertaker, travel agency, ticket agency or post office or for the reception of goods to be washed, cleaned or repaired, but does not include a building used as a fun fair, amusement arcade, pin-table saloon, garage, launderette, petrol filling station, office, betting office, hotel, restaurant, snack bar or cafe, or premises licensed for the sale of excisable liquor for consumption on the premises;

"special industrial building" means an industrial building used for one or more of the purposes specified in Classes V, VI, VII, VIII and IX referred to in the Schedule to this order.

(3) References in this order to a building may, except where otherwise provided, include references to land occupied therewith and used for the same purposes.

Use Classes

3.—(1) Where a building or other land is used for a purpose of any class specified in the Schedule to this order, the use of such a building or other land for any other purpose of the same class shall not be deemed for the purposes of the Act to involve development of the land.

(2) Where a group of contiguous or adjacent buildings used as parts of a

single undertaking includes industrial buildings used for purposes falling within two or more of the classes specified in the Schedule to this order as Classes III to IX inclusive, those particular two or more classes may, in relation to that group of buildings, and so long as the area occupied in that group by either general or special industrial buildings is not substantially increased thereby, be treated as a single class for the purposes of this order.

(3) A use which is ordinarily incidental to and included in any use specified in the Schedule to this order is not excluded from that use as an incident thereto merely by reason of its specification in the said Schedule as a separate use.

(4) Nothing in this order shall be construed as limiting or restricting the power of a local planning authority under sections 26 and 27 of the Act to impose conditions on the grant of planning permission.

Revocation

4. The Town and Country Planning (Use Classes) (Scotland) Order 1950(a), the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1960(b) and the Town and Country Planning (Use Classes) (Scotland) Amendment Order 1965(c) are hereby revoked.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
29th June 1973.

SCHEDULE

Class I.—Use as a shop for any purpose except as: —

- (i) a shop for the sale of hot food;
- (ii) a tripe shop;
- (iii) a shop for the sale of pet animals or birds;
- (iv) a cats-meat shop;
- (v) a shop for the sale of motor vehicles.

Class II.—Use as an office for any purpose.

-
- (a) S.I. 1950/1133 (1950 II, p. 1140). (b) S.I. 1960/2014 (1960 III, p. 3298).
(c) S.I. 1965/230 (1965 I, p. 585).

Class III.—Use as a light industrial building for any purpose.

Class IV.—Use as a general industrial building for any purpose.

Class V. (Special Industrial Group A)—Use for any work which is registrable under the Alkali & Works Regulation Act 1906^(a) as extended by the Alkali & Works (Scotland) Order 1972^(b) and which is not included in any of Classes VI, VII, VIII or IX of this Schedule.

Class VI. (Special Industrial Group B)—Use for any of the following processes, except a process ancillary to the getting, dressing or treatment of minerals which is carried on in or adjacent to a quarry or mine:—

- (i) smelting, calcining, sintering or reduction of ores, minerals, concentrates or mattes;
- (ii) converting, refining, re-heating, annealing, hardening, melting, carburising, forging or casting of metals or alloys, other than pressure die-casting;
- (iii) recovery of metal from scrap or drosses or ashes;
- (iv) galvanising;
- (v) pickling or treatment of metal in acid;
- (vi) chromium plating.

Class VII. (Special Industrial Group C)—Use for any of the following processes except a process ancillary to the getting, dressing or treatment of minerals which is carried on in or adjacent to a quarry or mine:—

- (i) burning of bricks or pipes;
- (ii) lime or dolomite burning;
- (iii) production of zinc oxide, cement or alumina;
- (iv) foaming, crushing, screening or heating of minerals or slag;
- (v) processing by heat of pulverized fuel ash;
- (vi) production of carbonate of lime and hydrated lime;
- (vii) production of inorganic pigments by calcining, roasting or grinding.

Class VIII. (Special Industrial Group D)—Use for any of the following purposes:—

- (i) distilling, refining or blending of oils (other than petroleum or petroleum products);
- (ii) production or employment of cellulose and employment of other pressure sprayed metal finishes (other than the employment of any such finishes in vehicle repair workshops in connection with minor repairs, and the application of plastic powder by the use of fluidised bed and electrostatic spray techniques).

^(a) 1906 c. 14.

^(b) S.I. 1972/1330 (1972 II, p. 4016).

- (iii) boiling of linseed oil and the running of gum;
- (iv) processes involving the use of hot pitch or bitumen (except the use of bitumen in the manufacture of roofing felt at temperatures not exceeding 220°C and also the manufacture of coated roadstone);
- (v) stoving of enamelled ware;
- (vi) production of aliphatic esters of the lower fatty acids, butyric acid, caramel, hexamine, iodoform, naphthols, resin products (excluding plastic moulding or extrusion operations and production of plastic sheets, rods, tubes, filaments, fibres or optical components produced by casting, calendering, moulding, shaping or extrusion), salicylic acid or sulphonated organic compounds;
- (vii) production of rubber from scrap;
- (viii) chemical processes in which chlorphenols or chlorcresols are used as intermediates;
- (ix) manufacture of acetylene from calcium carbide;
- (x) manufacture, recovery or use of pyridine or picolines, any methyl or ethyl amine or acrylates.

Class IX. (Special Industrial Group E)—Use for carrying on any of the following industries, businesses or trades:—

- Animal charcoal manufacturer.
- Animal hair cleanser, adapter or treater.
- Blood albumen maker.
- Blood boiler.
- Bone boiler or steamer.
- Bone burner.
- Bone grinder.
- Breeder of maggots from putrescible animal matter.
- Candle maker.
- Catgut manufacturer.
- Chitterling or nettlings boiler.
- Dealer in rags or bones (including receiving, storing or manipulating rags in or likely to become in an offensive condition, or any bones, rabbit-skins, fat or putrescible animal products of a like nature).
- Fat melter or fat extractor.
- Fellmonger.
- Fish curer.
- Fish oil manufacturer.
- Fish skin dresser or scraper.
- Glue maker.
- Gut scraper or gut cleaner.
- Maker of feeding stuff for animals or poultry from any meat, fish,

blood, bone, feathers, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia.

Manufacture of manure from bones, fish, offal, blood, spent hops, beans or other putrescible animal or vegetable matter.

Size maker.

Skin drier.

Soap boiler.

Tallow melter or refiner.

Tripe boiler or cleaner.

Class X.—Use as a boarding or guest house or a hotel providing sleeping accommodation (except such a boarding or guest house or a hotel licensed for the sale of excisable liquor to persons other than residents or to persons other than persons consuming meals on the premises).

Class XI.—Use as a residential or boarding school or a residential college.

Class XII.—Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.

Class XIII.—Use as a home or institution providing for the boarding, care and maintenance of children, old people or persons under disability, a convalescent home, a nursing home, a sanatorium or a hospital.

Class XIV.—Use (other than residentially) as a health centre, a school treatment centre, a clinic, a creche, a day nursery or a dispensary, or use as a consulting room or surgery unattached to the residence of the consultant or practitioner.

Class XV.—Use as an art gallery (other than for business purposes), a museum a public library or reading room, a public hall or an exhibition hall.

Class XVI.—Use as a theatre, a cinema, a concert hall or a music hall.

Class XVII.—Use as a dance hall, a skating rink, a swimming bath, a Turkish bath or any other form of bath, a gymnasium or a sports hall.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and re-enacts with amendments the Town and Country Planning (Use Classes) (Scotland) Order 1950 (as amended by two subsequent orders) which was made under enactments now consolidated in the Town and Country Planning (Scotland) Act 1972.

The Order specifies classes for the purpose of section 19(2)(f) of the Act of 1972. By virtue of section 19 the use of buildings or other land for any other purpose of the same class shall not be taken to involve development within the meaning of that section.

The principal amendments made by the Order to the provisions of the previous Orders are the exclusion of launderettes, cafes, restaurants and the expression "any other purpose appropriate to a shopping area" from the definition of a shop; the recasting of Special Industrial Groups A, B and C; the omission of the former Classes XI and XVII; and the exclusion from Class X of a hotel licensed for the sale of liquor to persons other than residents or persons taking meals. Other amendments are the substitution of hot food for fried fish in Class I; the omission of leather dresser, parchment maker and tanner from class IX; and minor changes of wording in what are now Classes XV, XVI and XVII.

SI 1973/1165
ISBN 0-11-031165-5



780110 311654