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STATUTORY INSTRUMENTS

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**1989 No. 577 (S.64)**

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Amendment Regulations 1989**

<i>Made</i>	- - - -	<i>22nd March 1989</i>
<i>Laid before Parliament</i>		<i>10th April 1989</i>
<i>Coming into force</i>	- -	<i>1st May 1989</i>

The Secretary of State, in exercise of the powers conferred on him by sections 273 and 275(1) of, and paragraph 1 of Schedule 7 to, the Town and Country Planning (Scotland) Act 1972( **(1)**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Amendment Regulations 1989 and shall come into force on 1st May 1989.

**Amendment**

**2.** Schedule 1 to the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 1987( **(2)**) shall be amended as follows:—

- (a) for paragraph (1) there shall be substituted the following paragraph:—
- (a) “(1) section 33 of the Act (appeals against planning decisions);
  - (b) section 33 as applied by section 34 of the Act (appeals in default of planning decisions);
  - (c) section 33 of the Act (including that section as applied by section 34 of the Act) as applied by section 51 of the Act (appeals against determinations as to whether a use or operation constitutes or involves development);

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(1) [1972 c. 52](#); section 275(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.  
(2) [S.I.1987/1531](#)

- (d) any of the provisions of the Act referred to in sub-paragraphs (a) to (c) above as applied by—
  - (i) an order made under section 58 of the Act or under section 58 of the Act and section 2 of the 1984 Act (appeals in relation to consent to felling etc of trees subject to a tree preservation order);
  - (ii) regulations made under section 61 of the Act (appeals in relation to consent to display of advertisements);
  - (iii) section 179 of the Local Government (Scotland) Act 1973( **(3)**) (appeals against decisions by regional planning authorities);
  - (iv) section 1 of the 1984 Act (appeals against planning decisions etc in relation to disposal of Crown land). ”
- (b) for paragraph (3) there shall be substituted the following paragraph:—
  - (a) “(3) section 85 of the Act (appeals against enforcement notices);
  - (b) section 85 as applied by—
    - (i) regulations made under sections 61 and 101 of the Act (appeals in relation to enforcement of advertisement controls);
    - (ii) section 3 of the 1984 Act (appeals against special enforcement notices relating to development on Crown land); ” .

St Andrew’s House,  
Edinburgh  
22nd March 1989

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

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(3) 1973 c. 65; section 179 was substituted by the Local Government and Planning (Scotland) Act 1982 (c. 43), section 69(2), Schedule 3, paragraph 24.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations add to the classes of appeal under the Town and Country Planning (Scotland) Act 1972 which are to be determined by a person appointed for the purpose by the Secretary of State instead of being determined by the Secretary of State. They do so by amending the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 1987.

Regulation 2(a) of the amending Regulations re-states those classes of appeal falling under section 33 of the 1972 Act (appeals against planning decisions), including that section as applied by other statutory provisions, which are to be determined by a person appointed by the Secretary of State. The re-statement includes for the first time appeals relating to the control of the display of advertisements. The relevant provision is at sub-paragraph (d)(ii) of the new paragraph (1) of Schedule 1 to the 1987 Regulations as substituted by Regulation 2(a).

Regulation 2(b) of the amending Regulations re-states those classes of appeal falling under section 85 of the Act (appeals against enforcement notices), including that section as applied by other statutory provisions, which are to be determined by a person appointed by the Secretary of State. This re-statement involves a new reference to appeals in relation to enforcement of advertisement controls.