EXECUTIVE NOTE

THE PLANNING ETC. (SCOTLAND) ACT 2006 (DEVELOPMENT PLANNING) (SAVING, TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) AMENDMENT ORDER 2009
SSI/2009/18

1. This Order corrects an error in the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008 ("the 2008 Order"). The 2008 Order makes reference to "the 1994 Regulations", and in Article 1(2) defines this as meaning "the Conservation (**National** Habitats &c.) Regulation 1994". The correct reference should be to "the Conservation (**Natural** Habitats**,** &c.) Regulation**s** 1994". This amendment order substitutes the correct wording for the incorrect wording.

2. The legal advisors to the Subordinate Legislation Committee of the Scottish Parliament sought an explanation of this matter on 8 January 2009 in the following terms. "The Scottish Government is asked to explain the effect of the apparent error in the definition of "the 1994 Regulations" in article 1(2) as referring to the Conservation (National Habitats &c.) Regulation 1994, rather than the Conservation (Natural Habitats &c.) Regulations 1994, given that the "1994 Regulations" are referred to in various provisions in the Regulations to provide how the Regulations shall apply to structure and local plans, and for the purposes of the amendments in article 8?

3. In response, the Scottish Government committed to bring forward a corrective instrument before the 2008 Order comes into force on 28th February 2009 to ensure that no issue as to the effect of the wording of this definition arises. This amendment order is that corrective instrument and will come into force on 27 February 2009, prior to the coming into force of the 2008 Order.

4. The Subordinate Legislation Committee considered the 2008 Order on 20 January 2009.

Policy Objectives

5. As this amendment order corrects a factual error, it has no relevance to the Scottish Government's policy objectives.

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20 January 2009